



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 30, 1998

Ms. Tenley A. Aldredge
Assistant County Attorney
Travis County
P.O. Box 1748
Austin, Texas 78787-1748

OR98-3296

Dear Ms. Aldredge:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 121359.

The Travis County Sheriff's Department (the "department") received a request for information about incident number 9800049730. You state that this case has been referred to the Travis County Attorney's Office for criminal prosecution and that prosecution of the case is pending in cause number CA 0504728. You submit to this office for review the incident report.¹ You assert that section 552.108 and 552.103 except the requested information from disclosure.

We have considered the exceptions you claim and have reviewed the documents at issue.

Section 552.108 of the Government Code provides in part:

- (a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if

¹A CJS person case list and report tape are mentioned in your letter, but you state that they do not exist in this case.

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

...

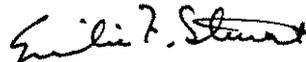
(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

Gov't Code § 552.108. You represent that the requested information relates to the active investigation of an offense that awaits trial. You have demonstrated that releasing the remaining requested information would interfere with the detection, investigation or prosecution of crime. We conclude, therefore, that section 552.108(a)(1) is applicable to the remaining requested information.

We note, however that information normally found on the front page of an offense report is generally considered public. *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex.Civ. App.–Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Thus, you must release the type of information that is considered to be front page offense report information, even if this information is not actually located on the front page of the offense report. With the exception of front page offense report information, section 552.108(a)(1) authorizes you to withhold the information from disclosure. Of course, you may choose to release all or part of the information at issue that is not otherwise confidential by law. See Gov't Code § 552.007.²

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Emilie F. Stewart
Assistant Attorney General
Open Records Division

²Because we are able to make a determination under section 552.108, we do not address your argument under section 552.103.

EFS\nc

Ref: ID# 121359

Enclosures: Submitted documents

cc: Ms. Brenda Nelson
2202 Jacks Pass
Austin, Texas 78734
(w/o enclosures)