

January 11, 1999



OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

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JOHN CORNYN
Attorney General

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Mr. John M. Knight
Assistant Police Legal Advisor
City of Arlington Police Department
620 W. Division Street
Arlington, Texas 76004-1065

OR99-0064

Dear Mr. Knight:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121122.

The Arlington Police Department (the "department") received a request for a police report. You indicate that the department has provided the requestor with a "media copy" of the offense report, but you assert that the remaining report information is protected from disclosure under section 552.108 of the Government Code.

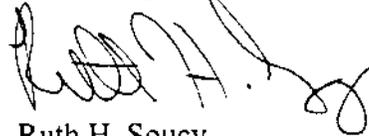
Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor and that deals with the detection, investigation, or prosecution of crime, when release of such information would interfere with the detection, investigation, or prosecution of crime. Section 552.108(c) provides that basic offense report information is not protected from disclosure under section 552.108. Basic information is the type of information that is generally included on the front page of an offense report, including a detailed description of the incident. *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177, 186-87 (Tex. Civ. App.--Houston [15th Dist.] 1975), writ ref'd n.r.e. per curiam, S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976).

Since you assert that there is a pending criminal case, we agree that section 552.108(a)(1) protects the offense report at issue, except for the front page offense report information. Open Records Decision No. 216 at 3 (1978) (release of

information during pending criminal case would interfere with prosecution of crime and law enforcement interests). The front page information must be disclosed, but the remaining portion of the report may be withheld from disclosure. We note that the department also has discretion to release all or part of the remaining information that is not otherwise confidential by law. Gov't Code § 552.007.

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,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', written over a horizontal line.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 121122

Enclosures: Submitted documents

cc: Ms. Sandra Russell
P.O. Box 122378
Arlington, Texas 76012
(w/o enclosures)