

January 21, 1999



Mr. Ted W. Hejl
Attorney at Law
311 Talbot
Taylor, Texas 76574

OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

OR99-0154

Dear Mr. Hejl:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121225.

The City of Taylor (the "city"), which you represent, received a request for records and evidence concerning a dog bite case. The information at issue was submitted to this office for review. You have represented to this office that the case is still under criminal investigation and possible prosecution. You assert that the information at issue 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 criminal investigation and possible criminal prosecution, we agree that section 552.108(a)(1) protects the records 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

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prosecution of crime and law enforcement interests). The front page information must be disclosed, but the remaining information may be withheld from disclosure. We note that the city 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 in a cursive style.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 121225

Enclosures: Submitted documents

cc: Mr. Joe Flores
400 West 4th
Taylor, Texas 76574
(w/o enclosures)