



July 30, 1999

Ms. Kimberley Mickelson
Olson & Olson
Three Allen Center
333 Clay Street, Suite 3485
Houston, Texas 77002

OR99-2151

Dear Ms. Mickelson:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 126175.

The City of Friendswood (the "city"), which you represent, received a request for information related to a complaint made on April 23, 1999.¹ You seek to withhold a specific investigative report, claiming that it is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108 of the Government Code, reads in pertinent 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:

(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.

¹We note initially that if the subject information is held exclusively by the municipal court, it is not subject to the Public Information Act. See Gov't Code § 552.003(1)(B).

You relate that the subject information relates to an investigation that is still open. Section 552.103(a)(1) excepts certain information related to pending cases. Texas courts have specified the information that must be released and that which may be withheld in such cases. *See Houston Chronicle Publ'g 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*; Open Records Decision No. 127 (1976). Information normally found on the front page of an offense report is generally considered public. *Id.* Thus, you must release the type of information that is considered to be front page offense report information, including a detailed description of an offense or arrest, even if this information is not actually located on the front page of the offense report.

Although section 552.108(a)(1) authorizes you to withhold the remaining information from disclosure, 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.*

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.

Sincerely,



Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 126175

Encl. Submitted documents

cc: Mr. Jeff Branscome
308 Woodstream Circle
Friendswood, Texas 77546
(w/o enclosures)