



August 3, 1999

Captain John Bruce  
Frisco Police Department  
8750 McKinney Road, Suite 500  
Frisco, Texas 75034

OR99-2194

Dear Captain Bruce:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 127065.

The City of Frisco Police Department (the “department”) received a written request for the police report and any other information relating to the arrest of a named individual. You indicate that some of the requested information has been released to the requestor in apparent compliance with *Houston Chronicle Publishing Company 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); *see also* Gov't Code § 552.108(c).<sup>1</sup> You contend that other information is excepted from disclosure pursuant to sections 552.103 and 552.108 of the Government Code.

Section 552.108(a) excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if: (1) release of the information would interfere with the detection, investigation, or prosecution of crime; [or] (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication.” You inform us that the requested documents relate to a pending criminal prosecution. Based upon this representation, we conclude that the release of the information at issue would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle, supra* (court delineates law enforcement interests that are present in

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<sup>1</sup>You state that the department released the first three pages of the “Offense/Arrest Form” with the home address and telephone number of the complaining witness redacted.

active cases). The department may withhold the information at issue pursuant to section 552.108(a)(1).<sup>2</sup>

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 J. Burns  
Assistant Attorney General  
Open Records Division

MJB/RWP/nc

Ref.: ID# 127065

Encl. Submitted documents

cc: Mr. Dwain L. Smith  
11303 Covey Lane  
Frisco, Texas 75035  
(w/o enclosures)

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<sup>2</sup>Because we resolve your request under section 552.108, we need not address the applicability of section 552.103.