



October 11, 1999

Mr. Gary W. Smith
Legal Advisor
Baytown Police Department
3200 North Main Street
Baytown, Texas 77521

OR99-2892

Dear Mr. Smith:

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# 128511.

The Baytown Police Department (the “department”) received a written request for the police offense report pertaining to an alleged threat made by the requestor. You inform us that criminal charges for the class C misdemeanor are currently pending in municipal court. You contend the requested information is excepted from required public disclosure pursuant to section 552.108 of the Government Code.

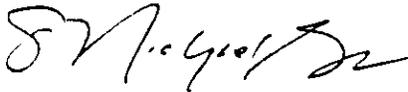
Section 552.108(a)(1) of the Government Code excepts from required public disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime.” Because you state that the criminal prosecution pertaining to the offense report is pending, we conclude that the department may withhold most of the information at issue pursuant to section 552.108(a)(1).

Please note, however, that section 552.108 does not except from required public disclosure “basic information about an arrested person, an arrest, or a crime.” Gov’t Code § 552.108(c). The department must release these types of information, including a *detailed* description of the offense and the identity of the complainant, in accordance 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). The remaining information may be withheld.¹

¹In reaching this conclusion, we assume the prosecution of the class C misdemeanor is pending at this time. Section 552.108(a)(1) ceases to apply once the prosecution has concluded. Because we resolve your request under section 552.108, we need not address the other exceptions you raised except to note that the

We are resolving this matter with this 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 may 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/RWP/nc

Ref.: ID# 128577

Encl. Submitted documents

cc: Ms. Jeanne Stoughton
3800 W. Baker Road
Baytown, Texas 77521
(w/o enclosures)