



November 4, 1999

Ms. Sharon Hicks  
City Attorney  
City of Abilene  
P.O. Box 60  
Abilene, Texas 79604

OR99-3126

Dear Ms. Hicks:

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# 129260.

The City of Abilene (the "city") received a request for five items of information. You state that the city has released to the requestor the fourth and fifth requested items. Based on sections 552.108 and 552.103 of the Government Code, the city seeks to withhold from required public disclosure the other requested items, or portions thereof: chapters three, nine and part of six of the police department's Standard Operation Procedures Manual, the police report on a particular incident involving a fatality, and "documentation that reveals why the Officer shot to kill." The city also maintains that the request for documentation that reveals why the office shot to kill is duplicative of the other information at issue.

Section 552.108 of the Government Code states that information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from required public disclosure "if release of the information would interfere with the detection, investigation, or prosecution of crime." Gov't Code § 552.108(a)(1). You argue that if portions of the Standard Operation Procedures Manual were publicly disclosed, "there would be the potential that the procedures as set forth may equip the public, and particularly criminals, with guidance as to the type of conduct which an officer must tolerate before he may exercise the use of force, patrol pursuit, and special operation procedures by City Officers." We observe that the report pertains to a pending case. We therefore conclude that the city has established that the release of the information "would interfere with the detection, investigation, or prosecution of crime." *Id.*

However, section 552.108 is inapplicable to basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). We believe such basic information refers to the information held to be public in *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, 536 S.W.2d 559 (Tex. 1976). Thus, with the exception of the basic front page offense and arrest information on the incident report, you may withhold the requested information from disclosure based on section 552.108(a)(1). We note that you have the 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 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,



Kay H. Hastings  
Assistant Attorney General  
Open Records Division

KHH/ljp

Ref.: ID# 129260

encl. Submitted documents

cc: Ms. Anna Martinez Vedro  
President, Abilene LULAC Council 605  
P.O. Box 2106  
Abilene, Texas 79604  
(w/o enclosures)