



November 16, 1999

Mr. Steve Monté
Assistant City Attorney
Criminal Law and Ploice Division
2014 Main Street, Room 206
Dallas, Texas 75201

OR99-3271

Dear Mr. Monté:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 130848.

The Dallas Police Department (the "department") received a request for an offense report for service number 0527840-H. You contend that the requested information is excepted from required public disclosure pursuant to section 552.108 of the Government Code. We have considered the exception you claim and reviewed the documents submitted.

Section 552.108 of the Government Code provides in 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 [requirement of public disclosure] . . . if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]

* * *

(c) This section does not except from the [requirement of public disclosure] . . . information that is basic information about an arrested person, an arrest, or a crime.

Because you have informed us that the records at issue pertain to a pending criminal prosecution, we conclude that you have met your burden of establishing that the release of the requested information at this time could interfere with law enforcement or prosecution. *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*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases). You therefore may withhold most of the requested information at this time pursuant to section 552.108(a)(1).

Section 552.108 does not, however, 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 such "front page" information, in accordance with *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177, even if this information is not actually located on the front page of the offense report. *See* Open Records Decision No. 127 (1976) (summarizing the types of information deemed public by *Houston Chronicle*). We therefore conclude that, except for "front page" offense report information, section 552.108 of the Government Code excepts the requested records from required public disclosure, although you may choose to release all or part of the information at issue 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.

Sincerely,



Patricia Michels Anderson
Assistant Attorney General
Open Records Division

PMA/jc

Ref: ID# 130848

Encl. Submitted documents

cc: Mr. Allen Wallace
2019 Appalachia
Mesquite, Texas 75149
(w/o enclosures)