



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 1, 2010

Ms. Terri Bradley  
Records Division  
City of Rosenberg  
2120 Fourth Street  
Rosenberg, Texas 77471

OR2010-13324

Dear Ms. Bradley:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 397254.

The Rosenberg Police Department (the "department") received a request for a specified offense report. You claim that a portion of the submitted information 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(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 . . . release of the information would interfere with the detection, investigation, or prosecution of crime." Gov't Code 552.108(a)(1). Generally, a governmental body claiming section 552.108 must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the information requested relates to an open and active investigation. Based upon this representation, we conclude section 552.108(a)(1) is generally applicable to the information you have marked. *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).

However, section 552.108 does not except from disclosure basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). Section 552.108(c) refers to basic front-page information held to be public in *Houston Chronicle*. *See* 531 S.W.2d at 186-66. The department must release basic information, including a detailed description of the offense and a description of the weather, even if that information does not literally appear on the front page of an offense or arrest report. *See* Open Records Decision No. 127 at 3-4 (1976) (summarizing types of information deemed public by *Houston Chronicle*). You

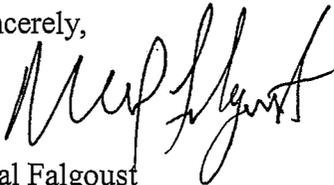
have marked the information you wish to withhold under section 552.108. We note, however, that you have marked an entire page that includes a narrative description of the offense and a description of the weather. Accordingly, we determine the department must release a sufficient portion of the narrative to encompass a detailed description of the offense and the description of the weather. The department may withhold the remaining information pursuant to section 552.108(a)(1) of the Government Code. We note that the department has the discretion to disclose all or part of this information that is not otherwise confidential by law. Gov't Code § 552.007.

In summary, with the exception of a detailed description of the offense and a description of the weather, which the department must release, the department may withhold the information you have marked under section 552.108(a)(1) of the Government Code.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free at (888) 672-6787.

Sincerely,



Neal Falgoust  
Assistant Attorney General  
Open Records Division

NF/jb

Ref: ID# 397254

Enc. Submitted documents

c: Requestor  
(w/o enclosures)