



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 3, 1997

Mr. John M. Knight
Assistant Police Legal Advisor
Arlington Police Department
P.O. Box 1065
Arlington, Texas 76004-1065

OR97-2233

Dear Mr. Knight:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 109657.

The Arlington Police Department (the "department") received a request for information about a 1992 robbery. You state that the suspect was finally indicted for this offense on July 3, 1997, and that the case is currently pending prosecution. You indicate that the front page offense report information has been released to the requestor. You assert, however, that the remaining information at issue is protected from disclosure under section 552.108 of the Government Code.

The Seventy-fifth Legislature amended section 552.108 of the Government Code to read, in part, as follows:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

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

(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; or

(3) it is information that:

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

(B) reflects the mental impressions or legal reasoning of an attorney representing the state.

See Act of June 1, 1997, H.B. 951, § 1, 75th Leg., R.S. (to be codified at Gov't Code § 552.108).

We agree that the department has shown that the applicability of section 552.108(a) of the Government Code to the information at issue, since it involves a pending case.¹ See Open Records Decision No. 216 (1978) at 3 (release of information during pending criminal case would interfere with prosecution of crime and law enforcement interests). We note that the department has discretion to release all or or part of the information at issue that is not otherwise made 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 any questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 109657

Enclosures: Submitted documents

¹You indicate that the front page offense report information has already been disclosed. We note that section 552.108(c) provides that "basic information about an arrested person, an arrest, or a crime" is not excepted from disclosure. Front page offense report information must generally be disclosed, since this type of information provides basic information about the allegations. See generally *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); Open Records Decision No. 127 (1976) (front page offense report information is generally considered public).

cc: Stephen F. Shaw
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(w/o enclosures)

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