



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 9, 1997

Ms. Kristi A. Taylor
Assistant City Attorney
Neiman & Barnes, L.L.P.
P.O. Box 777
Lewisville, Texas 75067

OR97-2702

Dear Ms. Taylor:

On behalf of the City of Lewisville Police Department (the "department"), you ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 111710.

The department received a request for all information concerning Report No. 97-2594. You assert that, with the exception of the front page offense information, the requested report is excepted from required public disclosure based on section 552.108 of the Government Code.

Section 552.108 provides in pertinent 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;

...

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

As you inform us that the requested report pertains to an active investigation, we believe the release of the requested information would “interfere with the detection, investigation, or prosecution of crime.” Section 552.108 is expressly inapplicable to “basic information about an arrested person, an arrest, or a crime.” Gov’t Code § 552.108(c). Thus, with the exception of such “basic” information, which we consider to be synonymous with what the court in *Houston Chronicle Publishing 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) referred to as “front page offense report information,” the department may withhold the requested information from the requestor based on section 552.108 of the Government Code.

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.

Yours very truly,



Kay Hastings
Assistant Attorney General
Open Records Division

KHH/rho

Ref.: ID# 111710

Enclosures: Submitted documents

cc: Ms. Sherry A. Anderson
614 Prairie Dell
Lewisville, Texas 75067
(w/o enclosures)