



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 12, 1997

Ms. Katheryn H. West
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
Municipal Building
Dallas, Texas 75201

OR97-2747

Dear Ms. West:

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# 111976.

The Dallas Police Department (the "department") received a request for Incident Report No. 0090543-E. You assert that the requested report is excepted from required public disclosure based on section 552.108 of the Government Code. You submit to this office a representative sample of the requested information.¹

Section 552.108 of the Government Code reads 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;

...

¹In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988) (where requested documents are numerous and repetitive, governmental body should submit representative sample; but if each record contains substantially different information, all must be submitted). This open records letter does not reach, and therefore does not authorize the withholding of any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

(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.

You have enclosed a letter from Police Sergeant Ken Sprecher. Sergeant Sprecher states that the investigation of this crime is pending and that release of any information related to this pending investigation might jeopardize any future prosecution.

We believe the department has established that "release of the information would interfere with the detection, investigation, or prosecution of crime." However, section 552.108 does not apply to "basic information about an arrested person, an arrest, or a crime." We believe such "basic information" encompasses the front page offense report information the court 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) determined to be open to the public. See Open Records Decision No. 127 (1976). However, although the victim's identity is front page offense report information, the identity of a victim of sexual assault is protected from disclosure based on section 552.101 in conjunction with the common-law right to privacy. See Open Records Decision No. 339 (1982).

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# 111976

Enclosures: Submitted documents

cc: Mr. David C. Kent
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(w/o enclosures)