



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 18, 1998

Ms. Kenyatta Braggs
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
Municipal Building
Dallas, Texas 75201

OR98-0474

Dear Ms. Braggs:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 113238.

The Dallas Police Department (the "department") received an open records request for a particular offense report pertaining to an individual's arrest for public intoxication. You contend that the requested information is excepted from required public disclosure pursuant to section 552.108(a) of the Government Code.

Section 552.108(a)(1) of the Government Code, as amended by the Seventy-fifth Legislature, excepts from required public 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[.]" You inform us that the offense report at issue pertains to a pending criminal investigation, and that there is currently an outstanding warrant for the individual's arrest. When a governmental body presents this office with evidence that requested information relates to an on-going criminal investigation, this office generally will presume that the release of the information would interfere with law enforcement or prosecution so as to bring the information within the protection of 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). After reviewing the requested offense report, we conclude that this record consists only of the

“basic information” that is required to be made public in accordance with *Houston Chronicle Publishing Company 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) (requiring the release of detailed description of offense and details of arrest). We therefore conclude that department must release the requested offense report in its entirety.

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.

Yours very truly,



Kay Hastings
Assistant Attorney General
Open Records Division

KHH/RWP/rho

Ref.: ID# 113238

Enclosures: Submitted documents

cc: Ms. Maria Thornton
9628 Park Highlands
Dallas, Texas 75238
(w/o enclosures)