



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 24, 1998

Mr. Michael J. Guarino
Criminal District Attorney
Galveston County
722 Moody, Suite 300
Galveston, Texas 77550

OR98-0790

Dear Mr. Guarino:

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# 113470.

The Galveston County District Attorney's Office (the "district attorney") received several requests for information relating to a pending criminal trespass charge against the requestor. You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of documents.¹

Initially, we note that some of the submitted documents appear to have been filed with a court. Documents filed with the court are public documents and must be released. *See Star-Telegram, Inc. v. Walker*, 834 S.W.2d 54, 57-58 (Tex. 1992).

Section 552.108, the "law enforcement exception," provides in relevant part as follows:

(a) [i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of 552.021 if: (1) release of the information would interfere with the detection, investigation or

¹We 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). 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.

prosecution of crime; [or] (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[.]

You state that the requested information relates to a pending criminal case. Based on your representation that the requested information relates to a pending criminal prosecution, we conclude that most of the information you have submitted may be withheld under section 552.108(a)(1). *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).

We note that "basic information about an arrested person, an arrest, or a crime" is not excepted from required public disclosure. Gov't Code § 552.108(c). Basic information is the type of information that is considered to be front page offense report information, including a detailed description of the offense and arrest, even if this information is not actually located on the front page of the offense report. *See generally Houston Chronicle Publ'g Co.*, 531 S.W.2d at 187; Open Records Decision No. 127 (1976).

We also note that the requestor seeks the continuing education records of Ms. Carol Grullon, a member of your staff. You have not explained nor does it appear that these records relate to the criminal trespass charge. Nor have you demonstrated that any other provision of section 552.108 is applicable to these documents. Therefore, if they exist, the continuing education records must be released to the requestor.

In summary, the district attorney must release court-filed documents, front page offense report information, and the continuing education records. The remaining information may be withheld from disclosure pursuant to section 552.108(a)(1). 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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

Open Records Division

Ref.: ID# 113470

Enclosures: Submitted documents

cc: Mr. Leonard Clark Cooper
P.O. Box 1752
Dickinson, Texas 77539
(w/o enclosures)