



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 2, 1998

Ms. Deane Bostick-Martin
Records System Supervisor
Lubbock Police Department
Records Section
P.O. Box 2000
Lubbock, Texas 79457

OR98-0876

Dear Ms. Bostick-Martin:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 114022.

The Lubbock Police Department (the "department") received a request for a complete offense report that lists all of the names of individuals involved in a case. You state that "a summary copy of the case report has been provided to the requestor." As to the remaining information at issue, you contend that section 552.103 and section 552.108 protect the information at issue from disclosure.

We note initially that section 552.108(c) provides that "basic information about an arrested person, an arrest, or a crime" is not excepted from disclosure. Thus, front page offense and arrest 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). We are unsure what information is included in a "summary copy" of the case report, but remind you that the front page offense and arrest report information must be included in such a summary. Enclosed is a list that shows what types of material are generally public and must be released.

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

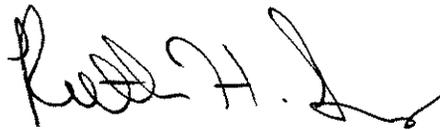
requirements of 552.021 if: (1) release of the information would interfere with the detection, investigation or prosecution of crime; [or] (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication. . . .

Generally, a governmental body claiming an exception from disclosure under section 552.108(a)(1) must reasonably explain, if the information does not supply the explanation on its face, how and why the release of the requested information would interfere with law enforcement. *Ex parte Pruitt*, 551 S.W. 2d 706 (Tex. 1977). A governmental body claiming section 552.108(a)(2) should demonstrate that the requested information relates to a concluded criminal investigation that has come to some type of final result other than a conviction or deferred adjudication.

The submitted documents show that a suspect in the case was arrested. Your letter states that “[t]he investigation has not resulted in a conviction or deferred adjudication” and you state that release of the information “would interfere with the prosecution of the potential criminal charges.” Based upon your argument and our review of the documents at issue, we agree that you have demonstrated that, with the exception of the basic information, section 552.108(a)(1) protects the information at issue from disclosure.¹ Although section 552.108(a)(1) allows the department to withhold the information at issue from public disclosure, the department also may choose to release all or part of the information at issue that is not otherwise confidential by law. *See 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 questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

¹Because section 552.108 protects the information from disclosure, we need not address your argument that section 552.103(a) is also applicable.

Ref: ID# 114022

Enclosures: Submitted documents
Open Records Decision No. 127 (1976) summary

cc: Ms. Natalie Neal
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407 West 2nd
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(w/Open Records Decision No. 127 (1976) summary)