



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 19, 1998

Ms. Kristi Taylor
Assistant City Attorney
Neiman & Barnes, L.L.P.
386 W. Main
Lewisville, Texas 75067

OR98-1977

Dear Ms. Taylor:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 117513.

The Lewisville Police Department (the "department") received a request for information concerning a traffic accident and a related arrest report, including witness statements, a mug shot, and related police reports. You assert that the responsive information is protected from disclosure pursuant to section 552.108 of the Government Code.¹ We note initially, however, that documents filed with a court are generally a matter of public record and thus must be released. *Star-Telegram, Inc. v. Walker*, 834 S.W.2d 54 (Tex. 1992). We address the requested records to the extent they have not been filed with a court.

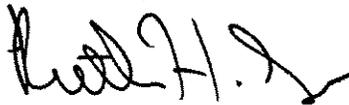
Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor and that deals with the detection, investigation, or prosecution of crime, when release of such information would interfere with the detection, investigation, or prosecution of crime. You state that since there is an active criminal investigation and a pending prosecution concerning this case, release of the requested records would interfere with the investigation and prosecution of the offense. We agree that you have shown the applicability of section 552.108(a) to the requested records. Open Records Decision No. 216 at 3 (1978) (release of information during pending criminal case would interfere with prosecution of crime and law enforcement interests).

¹We note that you submitted to this office a copy of the accident report, which we assume has already been provided to the requestor and was submitted to this office merely as background information.

We note, however, that you must release the front page arrest and incident information. Section 552.108(c) provides that basic arrest and offense information is not protected from disclosure under section 552.108. Basic information is the type of information that is generally included on the front page of an offense report or arrest report, including a detailed description of the incident. Open Records Decision No. 127 (1976). We also note that the department has discretion to release all or part of the remaining information that is not otherwise confidential by law.² 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

Ref: ID# 117513

Enclosures: Submitted documents

cc: Mr. Larry Adelstein
Barrister Service of Texas
2045 E. Branch Hollow Drive
Carrollton, Texas 75007-1614
(w/o enclosures)

²We note that some of the information submitted is otherwise confidential by law.