



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 29, 1998

Mr. Michael J. Bostic  
Assistant City Attorney  
Office of the City Attorney  
City Hall  
Dallas, Texas 75201

OR98-2544

Dear Mr. Bostic:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 119230

The City of Dallas (the "city") received an open records request for a copy of the complete police report against Torrance Wayne Brown in connection with a particular arrest. You submit to this office a representative sample of the requested information<sup>1</sup> and you represent that the case against Mr. Brown is pending in Cause No. F9850720 in Dallas County Court 1.

You contend that the requested information is exempt from required public disclosure pursuant to sections 552.103(a)(1) and 552.108(a) of the Government Code. We have considered the exceptions you claim and have reviewed the document at issue.

Based on your representation that the case against Mr. Brown is pending, we conclude that you have met your burden of establishing that at this time the release of the requested information could interfere with the detection, investigation, or prosecution of crime. Consequently, you may withhold the requested information.

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<sup>1</sup>In 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.

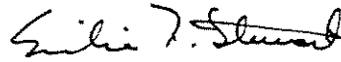
However, Government Code Sections 552.108(a)(1) and (a)(2) do not exempt from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). The same type of basic information was specifically made public in *Houston Chronicle Publishing Company 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).

In that case, the court of appeals held that the public had a right to the information usually contained on the front page of an offense report: the offense committed, the location of the crime, an identification and description of the complainant, the premises involved, the time of the occurrence, the property involved, the vehicles involved, a description of the weather, a detailed description of the offense in question and the names of the investigating officers.

Government Code Section 552.103(a) excepting litigation from disclosure cannot be invoked to withhold from disclosure the basic "front page" type information, because this information should have already been provided to a defendant by a magistrate or in an indictment. Open Records Decision No. 597 (1991). Therefore, at this time you may withhold the police report, but not the basic information about the crime.

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,



Emilie F. Stewart  
Assistant Attorney General  
Open Records Division

EFS\nc

Ref: ID# 119230

Enclosures: Submitted documents

cc: Ms. Amy Walker  
1444 Stardale Lane  
Dallas, Texas 75217  
(w/o enclosures)