



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 9, 1998

Ms. Kristi Taylor  
Neiman & Barnes  
P.O. Box 777  
Lewisville, Texas 75067

OR98-3031

Dear Ms. Taylor:

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# 121263.

The Lewisville Police Department received a request for all documents concerning the arrest of Kenneth Mark Ross. You state that you have released to the requestor the first page of the offense report and all documents filed with the court. You submit copies of the rest of the requested information to this office and assert that it is exempt from disclosure under section 552.103 and 552.108 of the Government Code. We have considered the exception you claim and have reviewed the documents at issue.

Section 552.108 of the Government Code provides in part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

...

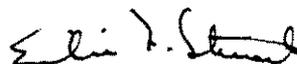
(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

Gov't Code § 552.108. You represent that the requested information relates to the active investigation of an offense, which awaits trial. You have demonstrated that releasing the remaining requested information would interfere with the detection, investigation or prosecution of crime. We conclude, therefore, that section 552.108(a)(1) is applicable to the remaining requested information.

We note that you also represent that you have released to the requestor the first page of the offense report. You must release the type of information that is considered to be front page offense report information, even if this information is not actually located on the front page of the offense report. With the exception of front page offense report information, section 552.108(a)(1) authorizes you to withhold the remaining information from disclosure.<sup>1</sup> Of course, you 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,



Emilie F. Stewart  
Assistant Attorney General  
Open Records Division

EFS\nc

Ref.: ID# 121263

Enclosures: Submitted documents

cc: Mr. Don Burcham  
Investigative Specialists of Texas  
811 S. Central Expressway-Suite 518  
Richardson, Texas 75080  
(w/o enclosures)

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<sup>1</sup>As we are able to resolve this matter under section 552.108, we need not address you section 552.103 arguments.