



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 30, 1998

Ms. Barbara G. Heptig
Assistant City Attorney
City of Arlington
P.O. Box 231
Arlington, Texas 76004-0231

OR98-3282

Dear Ms. Heptig:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121016.

The Arlington Police Department (the "department") received a request for a police report. You indicate that the report concerns the seizure of property, which "was made while officers were investigating a reported assault." The assault case was closed without prosecution, but you indicate that the department has not yet completed its investigation concerning the property which was seized. You state that a "media report" concerning the seized property, which does not contain a narrative, was released to the requestor. You seek to withhold the remaining portion of the report under section 552.108 of the Government Code.

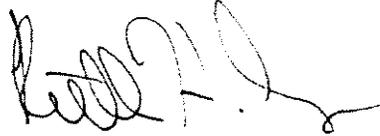
Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime, when release of such information would interfere with the detection, investigation, or prosecution of crime. Section 552.108(a)(2) excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. However, section 552.108(c) provides that section 552.108 does not protect from disclosure "basic information about an arrested person, an arrest, or a crime."

As you indicate that there is an ongoing criminal investigation concerning the property which was seized, we agree that section 552.108(a)(1) is applicable to the report. 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). However, the basic information at issue must be released. Basic information is the type of information

that is generally included on the front page of an offense report, including a detailed description of the underlying incident that is the subject of the report. *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177, 186-87 (Tex. Civ. App.--Houston [15th Dist.] 1975), *writ ref'd n.r.e. per curiam*, S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976).

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,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', written in a cursive style.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/rho

Ref: ID# 121016

Enclosures: Submitted documents

cc: Ms. Mary Duckett
1209 W. Tucker Boulevard
Arlington, Texas 76013
(w/o enclosures)