

January 25, 1999



OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

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JOHN CORNYN
Attorney General

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Ms. Michelle Mitchell
Police Records Technician
North Richland Hills Police Department
P.O. Box 810609
North Richland Hills, Texas 76182-0609

OR99-0219

Dear Ms. Mitchell:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121309.

The City of North Richland Hills (the "city") received a request for information relating to "case number 98099233." You indicate that you have supplied part of the responsive information but seek to withhold a portion of the information, contending that it is excepted from public disclosure by section 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, reads in pertinent 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;
- (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;

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Enclosures: Submitted documents

cc: Mr. Juan M. Lujan
1531 Altman
Arlington, Texas 76012
(w/o enclosures)

(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.

You state that the requested information relates to a case scheduled for trial. From your representation we assume that the prosecution of this case has not concluded, in which case the release of the information would interfere with the detection, investigation, or prosecution of crime and it may be withheld under section 552.108(a)(1). See *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) (court delineates law enforcement interests that are present in *active* cases).

You have represented that you have released “the public information found on the front page of the offense and arrest report.” Please note that information normally found on the front page of an offense report is generally considered public. See generally Gov't Code § 552.108(c); *Houston Chronicle*, 531 S.W.2d 177; Open Records Decision No. 127 (1976). This includes a detailed description of the offense and arrest, even if that information is not actually located on the front page of the offense report. In Open Records Decision No. 127 (1976), this office summarized the front page information of an offense report.

Although, section 552.108 authorizes you to withhold the remaining information from disclosure, 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,



Michael J. Burns
Assistant Attorney General
Open Records Division

MJB/ch

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