



April 13, 1999

Mr. Jeffrey Davis
McGinnis, Lochridge & Kilgore
3200 One Houston Center
1221 McKinney Street
Houston, Texas 78010

OR99-0996

Dear Mr. Davis:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 123809.

The Spring Branch Independent School District (the "district") received a request for documents detailing any investigations of and/or complaints related to a particular individual. You indicate that the district has made available to the requestor documents responsive to items two and three of the request. You claim that the requested information in item one is excepted from disclosure under sections 552.102, 552.108 and 552.114 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.¹

You argue that section 552.108 of the Government Code excepts the information from public disclosure. Section 552.108 reads in pertinent part as follows:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted [from required public disclosure] if:

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

...

¹If a governmental body submits to this office a "representative sample" of the requested records, we assume that the sample submitted 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). When a representative sample of the requested information is submitted to this office, the open records letter ruling 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.

(c) This section does not except from [public disclosure] information that is basic information about an arrested person, an arrest, or a crime.

You contend that this file contains information that relates to an investigation of alleged endangerment of a child, and you ask to withhold this information under section 552.108(a)(1) of the Government Code. You state that the person has been charged with endangerment of a child and that there is still a felony warrant outstanding. We presume from your arguments that criminal prosecution is pending. As the requested information relates to a pending criminal prosecution, we find that release of the requested information would interfere with the detection, investigation, or prosecution of crime. *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). Accordingly, we conclude that the requested information may be withheld from the requestor based on section 552.108 (a)(1). Since we have resolved this request under section 552.108 of the Government Code, we need not address your other claims.

Section 552.108 does not, however, except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). This office considers such basic information to encompass the front page offense report information the court held to be public in *Houston Chronicle* and you must release these types of information in accordance with *Houston Chronicle*. This includes a dispatch report which contains basic information. *See Open Records Decision No. 394 (1983)*.

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.

Sincerely,

David Van Brunt Price
David Van Brunt Price
Assistant Attorney General
Open Records Division

DVP\nc

Ref: ID# 123809

Enclosures: Submitted documents

cc: Mr. Wayne Dolcefino
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(w/o enclosures)