



April 23, 1999

Mr. Michael Bostic
Assistant City Attorney
Crime Law & Police Division
City of Dallas
Municipal Building
Dallas, Texas 75201

OR99-1122

Dear Mr. Bostic:

You have asked whether certain information is subject to required public disclosure under the Public Information Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 123592.

The City of Dallas Police Department (the "department") received a request for "complete copies of offense and or arrest reports," concerning certain specified service numbers and individuals. In response to the request, you submit to this office for review a representative sample of the information at issue.¹ You indicate that the department has "no objection to releasing first page information related to these investigations." However, you assert that the submitted information is excepted from disclosure based on sections 552.103 and 552.108 of the Government Code. We have considered the exceptions you claim and have reviewed the representative sample of documents submitted.

Section 552.108, the "law enforcement exception," provides in relevant part as follows:

(a) [i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the

¹We 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). 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.

requirements of 552.021 if: (1) release of the information would interfere with the detection, investigation or prosecution of crime. . . .

Generally, a governmental body claiming an exception under section 552.108 must reasonably explain, if the information does not supply the explanation on its face, how and why the release of the requested information would interfere with law enforcement. *See* Gov't Code §§ 552.108(a)(1), (b)(1), .301(b)(1); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977).

You state that the submitted information, related to service number 0216800, is excepted from required disclosure under section 552.108(a)(1) "as it relates to information that is the subject of a prosecution of a crime." Because you have shown that release of the submitted information would interfere with the detection, investigation or prosecution of crime, we conclude that the requested information may be withheld under section 552.108(a)(1).² *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).

However, we note that "basic information about an arrested person, an arrest, or a crime" is not excepted from required public disclosure. Gov't Code § 552.108(c). Basic information is 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. *See generally 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); Open Records Decision No. 127 (1976). Thus, except for basic information, the remaining submitted information is excepted from disclosure under section 552.108(a)(1).³

As we resolve your request under section 552.108, we need not address your other claimed exception at this time. We are resolving this matter with an informal letter ruling

²We note, however, section 11 of article 49.25 of the Texas Code of Criminal Procedure provides that an autopsy report, including the full report and detailed findings of an autopsy, is a public record, and must be released. *See* Open Records Decision No. 529 (1989).

³Although section 552.108 authorizes you to withhold the remaining requested 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.

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.⁴

Sincerely,

A handwritten signature in black ink, appearing to read "Sam Haddad". The signature is written in a cursive style with a large, looping initial "S".

Sam Haddad
Assistant Attorney General
Open Records Division

/nc

Ref.: ID# 123592

Encl: Submitted documents

cc: Ms. Anna R. Santucci
EPG, Incorporation Investigations
c/o Mr. Michael Bostic
Crime Law & Police Division
Municipal Building
Dallas, Texas 75201
(w/o enclosures)

⁴We must note that in this particular instance, the department has not provided to our office the address or the telephone number of the requestor. Furthermore, since the department has advised our office that Mr. Michael Bostic, Assistant City Attorney, is no longer with the city we are unable to locate and send this ruling to the requestor. Our office has attempted on several occasions to locate the requestor and her employer to no avail. Therefore, the requestor's copy of the ruling will be provided to the department for proper disposition.