



May 21, 1999

Mr. Michael Bostic  
Assistant City Attorney  
Criminal Law and Police Division  
City of Dallas  
City Hall  
Dallas, Texas 75201

OR99-1417

Dear Mr. Bostic:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 124291.

The Dallas Police Department (the "department") received a request for report number 75402-H. We note initially that the request appears to be seeking an automobile accident report form but the report number referenced by the requestor is a report of a sexual assault.<sup>1</sup> You assert that the report is protected from disclosure under sections 552.101 and 552.108 of the Government Code. Assuming that the submitted report could in some way be responsive to the written request for information, we will address your sections 552.101 and 552.108 arguments to the submitted report.

Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor and 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. We understand your argument to be that the report at issue is excepted from disclosure under section 552.108 of the Government Code because release would interfere with or undermine the ongoing criminal investigation.<sup>2</sup>

Based upon what we understand you to assert in your brief to this office, we agree that section 552.108(a)(1) protects most of the report information from disclosure.

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<sup>1</sup>You also submitted other reports that reference the location number 7142. As none of these other reports appear to be responsive to the request, we need not address these records further.

<sup>2</sup>In the future, if you seek to assert section 552.108(a)(1) for ongoing investigations, you should affirmatively and in clear language tell this office that the investigation is ongoing.

However, section 552.108(c) provides that basic offense report information is not protected from disclosure under section 552.108. Basic information is the type of information that is generally included on the front page of an offense report. *Houston Chronicle Publ'g 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). The front page offense information which generally must be released includes the identity of the complainant, who may be the victim, the location of the crime, and a detailed description of the offense. Open Records Decision No. 127 (1976). You assert that in this situation that the front page description and the identity of the victim of the alleged sexual assault is confidential under section 552.101 of the Government Code.

There are certain types of crimes in which the release of identifying information about the victim and a detailed description of the offense may implicate an individual's common-law privacy interests. In *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), cert. denied, 430 U.S. 931 (1977), the Texas Supreme Court said that information must be withheld from public disclosure under a common-law right of privacy when the information is (1) highly intimate and embarrassing such that its release would be highly objectionable to a person of ordinary sensibilities, and (2) there is no legitimate public interest in its disclosure. We agree that all front page information which would identify the victim, including the name of the complainant, her home and work addresses, and her telephone number are protected from disclosure. Open Records Decision No. 339 (1982). Additionally, while front page information that is public generally includes a detailed description of the offense, front page information that is public need not include the specific descriptions of the various sexual assaults as detailed on page 2 of the submitted report. *Id.*

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,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: ID# 124291

encl. Submitted documents

cc: Express Document Service  
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