



September 10, 1999

Ms. Ann Diamond
Chief of Litigation - Civil Division
Assistant District Attorney
Tarrant County
401 W. Belknap
Fort Worth, Texas 76196-0201

OR99-2527

Dear Ms. Diamond:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 127196.

The Tarrant County Criminal District Attorney's Office received a request for information regarding an investigation of three council members of the City of Mansfield. You have released many documents to the requestor. You contend that the remaining responsive documents are excepted from disclosure under sections 552.101, 552.103, 552.105, 552.107, 552.108, 552.109, 552.111, and 552.117 of the Government Code. We have considered the exceptions you claim and reviewed the documents at issue.

You explain that the submitted documents consist of "[a]ttorney notes & impressions, internal District Attorney's office memoranda, witness information," "[l]egal research, with attorney notations, and "[e]videntiary documents." You contend that all of this information is excepted from disclosure under section 552.108 of the Government Code. Section 552.108(a)(1) excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime." You indicate that the submitted documents relate to an ongoing investigation. Based upon this representation, we conclude that the release of the documents 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) (court delineates law enforcement interests that are present in active cases).

We note, however, that “[b]asic 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 considered to be front page offense report information. *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). You have already provided the requestor with basic information in accordance with section 552.108(c). Thus, section 552.108(a)(1) authorizes you to withhold the submitted documents from disclosure.

Because we are able to resolve this matter under section 552.108, we do not address your additional arguments against disclosure. 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,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 127196

Encl. Submitted documents

cc: Mr. Franklin Cram
Attorney at Law
990 N. Walnut Creek, Suite 2008
Mansfield, Texas 76063-1572
(w/o enclosures)