



November 16, 1999

Mr. Ric Gonzalez  
Assistant City Attorney  
City of Lewisville  
Neiman & Barnes  
P.O. Box 777  
Lewisville, Texas 75067

OR99-3270

Dear Mr. Gonzalez:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 130928.

The City of Lewisville Police Department (the department) received a request for an offense report and probable cause affidavit related to Offense Report # 98-13703. You contend that the requested report is excepted from required public disclosure pursuant to section 552.108 of the Government Code. We assume that you have released the probable cause affidavit as you have not submitted it to this office for review. *See* Gov't Code §§ 552.301, .302. We have considered the exception you claim and reviewed the documents submitted.

Section 552.108 of the Government Code provides in 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 [requirement of public disclosure] . . . if:

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

\*

\*

\*

(c) This section does not except from the [requirement of public disclosure] . . . information that is basic information about an arrested person, an arrest, or a 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 inform us that the requested report pertains to an ongoing criminal investigation. We therefore conclude that you may withhold most of the requested records under section 552.108(a)(1) as release of the information "would interfere with the detection, investigation, or prosecution of crime."

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). *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). The department must release such "front page" information, in accordance with *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177, even if this information is not actually located on the front page of the offense report. *See* Open Records Decision No. 127 (1976) (summarizing the types of information deemed public by *Houston Chronicle*).

We therefore conclude that, except for "front page" offense report information, the department may withhold the requested report under section 552.108(a)(1) of the Government Code. We note that the department has the discretion to release all or part of the remaining information that is not otherwise confidential by law. 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.

Sincerely,



Patricia Michels Anderson  
Assistant Attorney General  
Open Records Division

PMA/jc

Ref: ID# 130928

Encl. Submitted documents

cc: Mr. John R. DeVoss  
Smith, DeVoss  
2220 Marsh Lane #117-301  
Carrollton, Texas 75006  
(w/o enclosures)