



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 20, 1998

Mr. Kevin D. Pagan
Assistant City Attorney
City of McAllen
P.O. Box 220
McAllen, Texas 78505-0220

OR98-1003

Dear Mr. Pagan:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. We assigned your request ID# 114337.

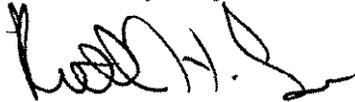
The City of McAllen (the "city") received a request for a 1996 incident report. You assert that the report, except for the front page information, is excepted from disclosure on the basis of section 552.108. Section 552.108(a)(1) provides an exception from disclosure for information that is held by a 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. You supplied information to this office showing that there is an outstanding arrest warrant in connection with the incident. Your letter to this office also states that the investigation is ongoing concerning this 1996 family violence incident.

Based upon your representation that there is an ongoing investigation, we agree that the city may withhold from disclosure the requested report except for the front page offense report information. *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); see Open Records Decision No. 216 (1978) at 3 (release of information during pending criminal case would interfere with prosecution of crime and law enforcement interests). 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, including a detailed description of the incident. *Houston Chronicle Publishing 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); Open Records Decision No. 127 (1976).

You have released most of the front page report information to the requestor. However, the information that you disclosed does not appear to contain a detailed description of the offense. *See* Open Records, Decision No. 127 (1976) at 5. You must provide the requestor with all front page offense report information, including a detailed description of the offense. The remaining portions of the report may be withheld from disclosure under section 552.108(a)(1).

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.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Enclosures: Submitted documents

Ref.: ID# 114337

cc: Ms. L. Bethanie Cedrano-Meline
P.O. Box 4041
McAllen, Texas 78502-4041
(w/o enclosures)