



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 8, 1998

Ms. Annette Jones  
City of Waco Legal Services  
P.O. Box 2570  
Waco, Texas 76702-2570

OR98-1183

Dear Ms. Jones:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 115386.

The City of Waco (the "city") received two requests for information relating to the internal affairs investigation resulting from Mr. Jon Baughman's complaint and for information relating to several criminal case files. You indicate that you have made many of the requested documents available to the requestor, including the front page offense report information. You contend that the remaining documents are excepted from disclosure pursuant to sections 552.103 and 552.108 of the Government Code. We have considered the exceptions you claim and have reviewed the documents at issue.

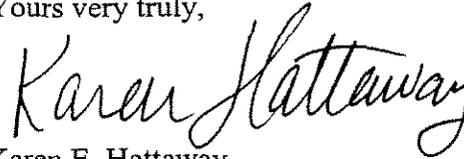
Section 552.108(a)(1) excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime." You state that the documents at issue relate to two pending criminal cases. Based upon this representation, we conclude that the release of these 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). Accordingly, the city may withhold these documents from disclosure under section 552.108(a)(1).<sup>1</sup>

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<sup>1</sup>Because we are able to resolve this matter under section 552.108, we need not address your section 552.103 claim.

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 any questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref: ID# 115386

Enclosures: Submitted documents

cc: Mr. Jon Baughman  
411 Richland Drive  
Waco, Texas 78710  
(w/o enclosures)