



Office of the Attorney General

State of Texas

July 22, 1998

DAN MORALES
ATTORNEY GENERAL

Mr. Miles K. Risley
Senior Assistant City Attorney
City of Victoria
Legal Department
P.O. Box 1758
Victoria, Texas 77902-1758

OR98-1720

Dear Mr. Risley:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 116999.

The City of Victoria received an open records request for information regarding an investigation the city police made of an alleged sexual assault. We have reviewed the information at issue and your arguments. You contend that, except for the categories of information specifically made public in *Houston Chronicle Publishing Company 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) and subsection (c) of section 552.108, Government Code, the requested information is excepted from required public disclosure pursuant to section 552.108 of the Government Code.

Section 552.108 of the Government Code, as amended by the Seventy-fifth Legislature, 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 [required public disclosure under] the requirements of section 552.021 if:

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

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an

investigation that did not result in conviction or deferred adjudication; or

(3) it is information that:

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

(B) reflects the mental impressions or legal reasoning of an attorney representing the state [and]

(b) [omitted]

(c) This section does not except from [public disclosure] information that is basic information about an arrested person, an arrest, or a crime.

We conclude that you have met your burden of establishing that the release of the requested information at this time could interfere with law enforcement or prosecution. Therefore, except for "basic information," which you indicated you have released or will release to the requestor under section 552.108(c), you may withhold the requested information at this time pursuant to section 552.108(a).

We are resolving this matter with this 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 may 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,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref.: ID# 116999

Enclosures: Submitted documents