



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 6, 1998

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

OR98-1862

Dear Mr. Pagan:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 117443.

The City of McAllen received a request for offense report number 98-13965. You contend that the offense report is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception 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 requested offense report relates to an ongoing criminal investigation. Based upon this representation, we conclude that the release of the offense report 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 information normally found on the front page of an offense report is generally considered public. *See generally* Gov't Code § 552.108(c); *Houston Chronicle*, 531 S.W.2d 177; Open Records Decision No. 127 (1976). Thus, you must release the type of information that is considered to be front page offense report information, even if this information is not actually located on the front page of the offense report. In Open Records Decision No. 127 (1976) this office summarized the front page information of an offense report as follows:

1. Offense committed

2. Location of crime
3. Identification and description of complainant
4. Premises involved
5. Time of occurrence
6. Property involved
7. Vehicle involved
8. Description of weather
9. Detailed description of offense
10. Names of investigation officers.

You state that the department has "already released the 'front page' offense report information as required by *Houston Chronicle Publ'g Co. v. City of Houston*," but you did not provide a copy of the information actually released, nor did you indicate that the actual first page of the report was released. No determination as to the sufficiency of the released information can be made and we therefore express no opinion on that issue.

Although section 552.108(a)(1) authorizes you to withhold the remaining information from disclosure, you may choose to release all or part of the information at issue that is not otherwise confidential by law. See Gov't Code § 552.007.

Because we are able to make a determination under Gov't Code section 552.108(a), we do not address your argument under Gov't Code section 552.108(b).

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,



Michael J. Burns
Assistant Attorney General
Open Records Division

Ref: ID# 117443

Enclosures: Submitted documents

cc: Mr. Marvin A. Eagle
3117 N. 1st
McAllen, Texas 78501
(w/o enclosures)