



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 11, 1998

Ms. Judith Hunter  
Paralegal  
City Attorney's Office  
City of Georgetown  
P.O. Box 409  
Georgetown, Texas 78627-0409

OR98-1891

Dear Ms. Hunter:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 117471.

The City of Georgetown (the "city") received a request from an assault victim for a police report concerning the assault. You state that the requestor received a copy of the front page offense report information, but that the city seeks to withhold the remaining portion of the report under section 552.108 of the Government Code. 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 assert that there is an ongoing investigation concerning the assault. Since there is an ongoing investigation, we agree that you have shown that release of the remaining portion of the offense report would interfere with the investigation or prosecution of crime. *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14<sup>th</sup> 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). Although the city has discretion to release the information to the requestor, Gov't Code § 552.007, we agree that the city may withhold from disclosure the remaining portion of the report.

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,

A handwritten signature in black ink, appearing to read "Ruth H. Soucy". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: ID# 117471

Enclosures: Submitted documents

cc: Mr. Mario Perez  
710 W. 13<sup>th</sup> Street, B-3  
Georgetown, Texas 78626  
(w/o enclosures)