



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 29, 1998

Ms. E. Cary Grace  
Assistant City Attorney  
City of Houston  
P.O. Box 1562  
Houston, Texas 77251-1562

OR98-2330

Dear Ms. Grace:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 118381.

The Houston Police Department (the "department") received an open records request for five particular incident reports. You state that the department has released to the requestor one of the incident reports in its entirety and the "Public Release Information" portions of the other four reports.<sup>1</sup> You seek to withhold the remaining information pursuant to section 552.108(a) of the Government Code.

Section 552.108(a) of the Government Code exempts from required public disclosure

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:

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

(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.

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<sup>1</sup>We assume for purposes of this ruling that the department has released all of the "front page offense report" information in accordance with *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), including a *detailed* description of each of the offenses. If it has not, it must do so at this time.

Because you have informed us that one of the incident reports at issue pertains to a pending criminal investigation, we conclude that you have met your burden of establishing that the release of that report at this time could interfere with law enforcement or prosecution. The department therefore may withhold the information at issue in Incident Report No. 007562195E at this time pursuant to section 552.108(a)(1). Similarly, we conclude that the department may withhold the information at issue contained in the remaining three incident reports pursuant to section 552.108(a)(2) based on your representation that the criminal investigations pertaining to those reports have finally concluded and did not result in a conviction or deferred adjudication.

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,



Kay Hastings  
Assistant Attorney General  
Open Records Division

KHH/RWP/mjc

Ref.:ID # 118381

cc: Mr. John E. Carlson  
1300 Post Oak Blvd  
Ste 2400  
Houston, Texas 77056  
(w/o enclosures)