



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 2, 1998

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

OR98-2912

Dear Ms. Grace:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 120141.

The City of Houston Police Department (the "department") received a request for "all available information referencing Houston Police Department case number 072597997." You say that the department will make available to the requestor the "Public Release Information" portion of the incident report in the case in question. You seek to withhold the remaining portions of the information responsive to the request under section 552.108(a)(1) of the Government Code.

Section 552.108(a)(1) excepts 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[.]

You advise that the case to which the requested information pertains is "still considered open," that the "investigation will be reactivated upon receipt of new evidence and/or information," and that the five year statute of limitations for the offense in question has not run out. Based on your representations, we conclude that you may generally withhold the requested information under section 552.108(a)(1).

Section 552.108 does not, however, except from required public disclosure “basic information about an arrested person, an arrest, or a crime.” Gov’t Code § 552.108(c). The department must release these types of information in accordance with *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). Apart from such “basic information,” which must be released, the department may withhold the requested information under section 552.108(a)(1).

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,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref: ID# 120141

Enclosures: Submitted documents

cc: Mr. Edwin Peters
Peters and Associates
7735 High Village Drive
Houston, Texas 77095
(w/o enclosures)