January 15, 1999

OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

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JOHN CORNYN
Attorney General

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Mr. Mark A. Flowers
Assistant City Attorney
The City of Midland
P.O. Box 1152
Midland, Texas 79702-1152

OR99-0123

Dear Mr. Flowers:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121139.

The City of Midland (the "city") received a request for offense report No. 80686. You have supplied the responsive information, contending that a portion thereof is excepted from disclosure by sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and have reviewed the documents at issue.

Section 552.108 of the Government Code, reads in pertinent part:

> (a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:
>
> (1) release of the information would interfere with the detection, investigation, or prosecution of crime;
>
> . . .

You state that the narrative portion of the requested report relates to criminal case, number 8071 which is "active, open and pending investigation." Based upon this representation, we conclude that the release of this information would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle*

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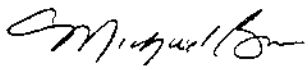
Publ'g Co. v. City of Houston, 531 S.W.2d 177 (Tex. Civ. App. – Houston[14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W. 2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases). We also note that this information does not implicate the disclosure requirements for "front page" information delineated in *Houston Chronicle*. The city may therefore withhold the narrative portion of this report.

As the information thus excepted subsumes the information for which you raise section 552.101 of the Government Code, we will not address that provision. As no exception has been raised for information other than that in the narrative portion of the subject report, the remaining responsive information must be released.

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

MJB/ch

Ref: ID# 121139

Enclosures: Submitted documents

cc: Ms. Jennifer Fortune
4812 Timber Lane
Midland, Texas 79707
(w/o enclosures)