



February 9, 1999

Ms. Lila Ledesma
Assistant City Attorney
City of McAllen
P.O. Box 220
McAllen, Texas 78505-0220

OR99-0400

Dear Ms. Ledesma:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 122056.

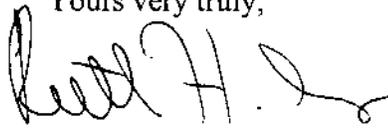
The City of McAllen (the "city") received a request for all police reports concerning a reported sexual assault. You contend that the requested information is protected from disclosure under section 552.108(a)(2) of the Government Code.¹ Section 552.108(a)(2) excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. You indicate that this case concluded but in a result other than conviction or deferred adjudication. Therefore, except for basic offense report information, you have shown the applicability of section 552.108(a)(2) to the requested records.

Basic offense report information is not protected from disclosure under section 552.108. Gov't Code § 552.108(c). Basic information is the type of information that is generally included on the front page of an offense report, including a detailed description of the incident. *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177, 186-87 (Tex. Civ. App.--Houston [15th Dist.] 1975), *writ ref'd n.r.e. per curiam*, S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Thus, except for the basic offense report information, you may withhold the requested information from disclosure. We note that you also have discretion to release all or part of the remaining information that is not otherwise confidential by law. Gov't Code § 552.007.

¹We note that privacy of the victim is not at issue here. The report shows a pseudonym for the victim, and further, the requestor is her attorney. Gov't Code § 552.023.

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 prominent initial "R" and a long, sweeping tail.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 122056

Enclosures: Submitted documents

cc: Mr. C. Delgado
Edwards, Perry & Haas
2400 Frost Bank Plaza
Corpus Christi, Texas 78470
(w/o enclosures)