OFFICE OF THE ATTORNEY GENERAL · STATE OF TEXAS
JOHN CORNYN

October 27, 1999

Lieutenant Arturo Valdez
Central Record Division
City of McAllen Police Department
1501 Pecan Boulevard
McAllen, Texas 78501

OR99-3031

Dear Lieutenant Valdez:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 130212.

The City of McAllen Police Department (the department) received a request for an offense report involving an aggravated assault, case number 99-028903. You claim that the records are excepted from required disclosure by section 552.108 of the Government Code, but indicate that the department has released or will release the "front page" offense report information not excepted from disclosure, specifically "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). As you acknowledge, the department must release such basic 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).

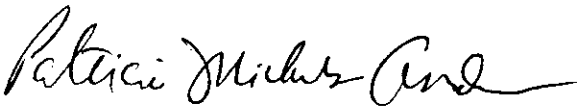
You argue that the other information in the requested report is excepted from disclosure by section 552.108. Section 552.108 of the Government Code provides in part:

> (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; . . . .

Note that you refer to section 552.108(b) in your request, but quote, appropriately, section 552.108(a). The report requested is the type of information contemplated under section 552.108(a)(1). Because you have informed us that the investigation is pending, we conclude that you have met your burden of establishing that the release of the requested information at this time could interfere with law enforcement or prosecution. *See 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) (court delineates law enforcement interests that are present in active cases); Open Records Decision No. 216 (1978). You therefore may withhold, at this time, the requested information other than the "front page" 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.

Sincerely,



Patricia Michels Anderson
Assistant Attorney General
Open Records Division

PMA/jc

Ref: ID# 130212

Encl. Submitted documents

cc: Mr. Donato Orozco
Route 7 Box 214
Edinburg, Texas 78539
(w/o enclosures)