



November 15, 1999

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

OR99-3248

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# 130809.

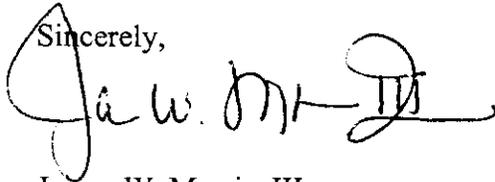
The McAllen Police Department (the “department”) received a request for its complete report in Case No. 99-034323. You have submitted a copy of the department’s offense report in the referenced case. You assert that the report is excepted from disclosure under section 552.108(a) and (b) of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.¹

Section 552.108(a)(1) of the Government Code excepts from required public disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]” You state that the requested report pertains to a case that remains subject to an ongoing investigation. You also state that the department already has released the basic front page offense report information held to be public in *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). Based upon your representations, we find that the rest of the information contained in the report is excepted from disclosure pursuant to section 552.108(a)(1) of the Government Code.

¹Because this office believes that section 552.108(a)(1) of the Government Code is dispositive of this matter, this letter does not address section 552.108(b).

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,

A handwritten signature in black ink, appearing to read "J.W. Morris, III". The signature is fluid and cursive, with a large initial "J" and "M".

James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/ljp

Ref: ID# 130809

Encl. Submitted documents

cc: Ms. Diana P. Mejia
305 Nyssa Avenue
McAllen, Texas 78501
(w/o enclosures)