



November 1, 1999

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

OR99-3272

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# 130788.

The City of McAllen Police Department (the "department") received requests for the offense reports for case numbers 99-034103 and 99-33923. We will discuss these together as they involve the same requestor. You contend that the requested information is excepted from required public disclosure pursuant to section 552.108 of the Government Code. We have considered the exception you claim and reviewed the documents submitted.

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 [requirement of public disclosure] . . . if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]

* * *

(c) This section does not except from the [requirement of public disclosure] . . . information that is basic information about an arrested person, an arrest, or a crime.

Because you have informed us that the records at issue pertain to pending criminal investigations, 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). You therefore may withhold most of the requested information at this time pursuant to 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). You indicate that the department has already released such "front page" information, as it must in accordance with *Houston Chronicle Publ'g Co.*.

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# 130788

Encl. Submitted documents

cc: Ms. Mary G. Lozano
1318 FM 495
Alamo, Texas 78516
(w/o enclosures)