



November 17, 1999

Mr. Miles K. Risley  
Senior Assistant City Attorney  
Legal Department  
City of Victoria  
P.O. Box 1758  
Victoria, Texas 77902-1758

OR99-3285

Dear Mr. Risley:

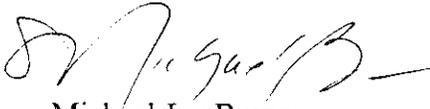
You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 128859.

The Victoria Police Department (the “department”) received a written request for its file on case #9909798. You inform us that the requested file pertains to a current department investigation into allegations of telephone harassment. You state that those portions of the “General Offense Report” that constitute “basic information” have been released to the requestor. *See* Gov’t Code § 552.108(c); *Houston Chronicle Publishing 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). You contend that the remaining requested information is excepted from required public disclosure pursuant to section 552.108 of the Government Code.

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.” Based on your representation that this case “is being investigated for presentation to the Victoria County District Attorney’s office for prosecution,” we conclude that you have met your burden of demonstrating the applicability of section 552.108(a)(1) and that the information at issue may be withheld.

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 "Michael Jay Burns", with a horizontal line extending to the right.

Michael Jay Burns  
Assistant Attorney General  
Open Records Division

MJB/RWP/ch

Ref: ID# 128859

Encl. Submitted documents

cc: Mr. Bruce Campbell  
3112 Flamingo  
Victoria, Texas 77901  
(w/o enclosures)