



November 23, 1999

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

OR99-3366

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# 131023.

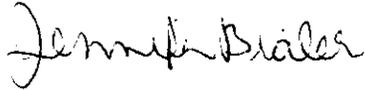
The McAllen Police Department (the “department”) received a request for a police report. You claim that the police report is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108(a)(1) excepts from disclosure information 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 information relates to a pending criminal investigation. Accordingly, we find that release of the requested information would interfere with the detection, investigation, or prosecution of crime. *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 in active cases). Therefore, we conclude that the department may withhold the information under section 552.108(a)(1). You state that the department has already released basic information as required by *Houston Chronicle* and section 552.108(c). *Id.*

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 cursive script that reads "Jennifer Bialek".

Jennifer Bialek  
Assistant Attorney General  
Open Records Division

JB/nc

Ref: ID# 131023

Encl. Submitted documents

cc: Ms. Shelley Schulze  
1400 Highland  
McAllen, Texas 79501  
(w/o enclosures)