



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 12, 1998

Mr. Mark E. Dempsey  
Assistant City Attorney  
City of Garland  
P.O. Box 469002  
Garland, Texas 75046-9002

OR98-0442

Dear Mr. Dempsey:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 112861.

The City of Garland (the "city") received a request for "copies of police reports on residential [and] commercial burglaries, residential criminal trespasses, and residential arson from November 1, 1997 to November 18, 1997."<sup>1</sup> The city has released some of the requested reports in their entirety. The city wishes to withhold portions of the remaining reports from disclosure pursuant to section 552.108 of the Government Code. You have highlighted those portions of the reports that you are seeking to protect.<sup>2</sup> We have considered the exception you claim and have reviewed the documents at issue.

Section 552.108(a)(1) of the Government Code excepts from 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 "[d]ue to the recent nature of the crimes, the

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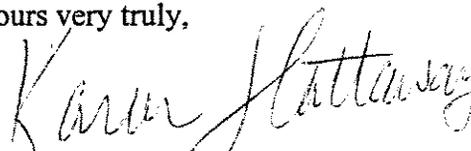
<sup>1</sup>We note that the requestor also states that he "will be coming by to pick these [police reports] up on a regular basis approximately twice a week." This portion of his request constitutes a standing request for information. Chapter 552 of the Government Code does not prohibit a governmental body from voluntarily complying with a standing request for information. Neither does chapter 552 *require* a governmental body to comply with a standing request for information to be collected or prepared in the future. *See* Attorney General Opinion JM-48 (1983).

<sup>2</sup>We note that the city has already released the front page offense report information from all of the requested reports. *See generally* Gov't Code § 552.108(c); *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); Open Records Decision No. 127 (1976).

investigations of [the] offenses in issue are currently pending.” Based upon this representation, we conclude that the release of the highlighted portions of the submitted reports 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 present in active cases). Accordingly, the city may withhold the highlighted portions of the reports from disclosure 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 any questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref: ID# 112861

Enclosures: Submitted documents

cc: Mr. Marc Rodriguez  
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(w/o enclosures)