



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 20, 1998

Mr. Jason C. Marshall
Nichols, Jackson, Dillard,
Hager & Smith, L.L.P.
1800 Lincoln Plaza
500 North Akard
Dallas, Texas 75201

OR98-0505

Dear Mr. Marshall:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 112801.

The City of Coppel (the "city") received a request for a certain offense report. You state that the city has released to the requestor the first page of the requested report. See Gov't Code § 552.108; *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). You assert that the remainder of the report is excepted from required public disclosure by section 552.108 of the Government Code.

Section 552.108 of the Government Code reads as follows:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

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

You inform us that the incident is currently under investigation by the police department. Thus, we believe the release of the information would interfere with the detection, investigation, or prosecution of crime. Accordingly, the city may withhold the information at issue from the requestor based on section 552.108(a)(1).¹

¹Correspondence from the requestor suggests that the city received the request at an earlier date. You state that the city is unaware of an earlier request. This office cannot resolve factual disputes.

We are resolving this matter with this 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 may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Hastings
Assistant Attorney General
Open Records Division

KHH/rho

Ref.: ID# 112801

Enclosures: Submitted documents

cc: Mr. Doyle Calfey
449 Harris, # C-103
Coppell, Texas 75019
(w/o enclosures)