



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 29, 1998

Ms. E. Cary Grace  
Assistant City Attorney  
City of Houston  
P.O. Box 1562  
Houston, Texas 77251-1561

OR98-1334

Dear Ms. Grace:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 115875.

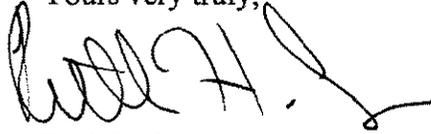
The City of Houston (the "city") received a request for a copy of an incident report. You state that the city has made available to the requestor the public release information portion of the report, which we assume includes front page offense report information. *See generally Houston Chronicle Publ'g 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) (front page offense report information is generally considered public). You assert that the remaining information in the incident report is excepted from disclosure pursuant to sections 552.108 and 552.117 of the Government Code.

Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor and that deals with the detection, investigation, or prosecution of crime, when release of such information would interfere with the detection, investigation, or prosecution of crime. You state that prosecution of the suspects in the case is pending. You thus have shown the applicability of section 552.108(a)(1) to the report at issue, which may be withheld from disclosure. Open Records Decision No. 216 (1978) at 3 (release of information during pending criminal case would interfere with prosecution of crime and law enforcement interests). Because the information for which you assert section 552.117 is protected from disclosure under section 552.108, we need not at this time address your section 552.117 argument.

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.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', written in a cursive style.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: ID# 115875

Enclosures: Submitted documents

cc: Ms. Etha Charles  
6111 Willowbend, #615  
Houston, Texas 77096  
(w/o enclosures)