OFFICE OF THE ATTORNEY GENERAL · STATE OF TEXAS
JOHN CORNYN

August 2, 1999

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

OR99-2172

Dear Lieutenant Valdez:

You have asked whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 128232.

You assert that the requested information is excepted from disclosure based on section 552.108 of the Government Code.[1] Section 552.108 of the Government Code states that information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from required public disclosure "if release of the information would interfere with the detection, investigation, or prosecution of crime." Gov't Code § 552.108(a)(1). You inform us that the requested information pertains to a pending case. We therefore believe that the release of the information "would interfere with the detection, investigation, or prosecution of crime." *Id.*

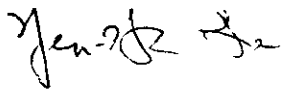
However, section 552.108 is inapplicable to basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). We believe such basic information refers to the information held to be public in *Houston Chronicle Publ'g Co. v. City of Houston,* 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536

[1]The request is for two offense reports. You have not submitted report number 99-22168. *See* Gov't Code 552.301. Thus, we assume that you have released this report to the requestor. If you have not, you must do so. *See* Gov't Code 552.352 (distribution of confidential information may constitute criminal offense).

S.W.2d 559 (Tex. 1976). Thus, with the exception of the basic front page offense and arrest information, you may withhold the requested information from disclosure based on section 552.108(a)(1). We note that you have the discretion to release all or part of the remaining information that is not otherwise confidential by law. Gov't Code § 552.007.

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.

Sincerely,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/ch

Ref: ID# 128232

Encl. Submitted documents

cc: Mr. Eusebio Tijerina
2206 Dos Arbolitos
San Juan, Texas 78589
(w/o enclosures)