



November 12, 1999

Lieutenant Arturo Valdez
Central Record Division
City of McAllen Police Department
1501 Pecan Boulevard
McAllen, Texas 78501

OR99-3233

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# 129418.

The City of McAllen received a request for an offense report and related information. You seek to withhold the responsive information under section 552.108 of the Government Code.

Section 552.108(a)(1) excepts from required public disclosure

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:

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

You advise that the requested information relates to a pending investigation. Based on your representations, we conclude that, except as noted below, you may withhold the information responsive to the request under section 552.108(a)(1).

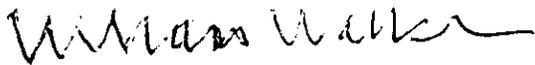
Please note that section 552.108 does not except from required public disclosure “basic information about an arrested person, an arrest, or a crime.” Gov’t Code § 552.108(c). Because you have raised no other exception to disclosure, you must release these types of information in accordance with *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref’d n.r.e. per curiam*,

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).

We note, as well, that the submitted information contains autopsy reports. It is the position of this office that section 11, article 49.25 of the Code of Criminal Procedure, requires the release of such autopsy reports.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 questions about this ruling, please contact our office.

Sincerely



William Walker
Assistant Attorney General
Open Records Division

WMW/ljp

Ref: ID#129418

Encl. Submitted documents

cc: Mr. Thomas E. Jones
Andrew Michael Investigations
P.O. Box 1066
Lutz, Florida 33548
(w/o enclosures)

¹Section 11 of article 49.25, Code of Criminal Procedure was amended in 1999. *See* Acts 1999, 76th Leg., R.S., ch. 607, §2, eff. Sept.1, 1999.