



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 23, 1991

Mr. Mack Wofford  
City Manager  
City of Hillsboro  
P.O. Box 568  
Hillsboro, Texas 76645

OR91-250

Dear Mr. Wofford:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 10914.

You have been asked to disclose certain investigative reports prepared by a private investigating firm for the city of Hillsboro regarding alleged misconduct by Hillsboro police officers. We have considered the exceptions you claimed, specifically sections 3(a)(1), (2), (3), (8), and (11), and have reviewed the documents at issue. We have determined that the investigative reports may be withheld under section 3(a)(8), which excepts from public disclosure

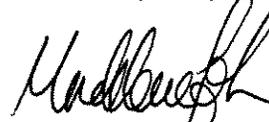
records of law enforcement agencies and prosecutors that deal with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies and prosecutors which are maintained for internal use in matters relating to law enforcement and prosecution.

*See also Ex Parte Pruitt*, 551 S.W. 2d 706 (Tex. 1977).

Although the city of Hillsboro is not itself a law enforcement agency, we have been informed that the reports at issue were delivered to the district attorney for the 66th Judicial District and are now a part of a continuing investigation under the auspices of a special prosecutor. This office has held that when a matter is under active investigation for possible criminal violations, as is the case here, this section may be invoked by any proper custodian of the information. Open Records Decision No. 372 (1983). For this reason, you may withhold the requested information.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-250.

Yours very truly,



Madeleine B. Johnson  
Chair, Opinion Committee

MBJ/lb

Ref.: ID# 10914

Enclosure: Open Record Decision No. 372

cc: Mr. Jack D. Beavers  
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