



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 19, 1992

Mr. David M. Douglas  
Assistant Chief, Legal Services  
Texas Department of Public Safety  
P. O. Box 4087  
Austin, Texas 78773-0001

OR92-352

Dear Mr. Douglas:

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# 16225.

You have received a request for reports relating to the May 1, 1992, death of Samuel Ray Moore, Jr., and have sent us copies of the reports which you believe are responsive to the request. You claim that these reports are excepted from required public disclosure under section 3(a)(8) because of an ongoing criminal investigation into the matter.

Section 3(a)(8) excepts

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.

V.T.C.S. art. 6252-17a, § 3(a)(8)

We have considered the exception you claim and have reviewed the documents at issue. A previous determination of this office, Open Records Decision No. 127 (1976), a copy of which is enclosed, resolves your request. For this reason, you may withhold the documents submitted for our review.

In addition, you state that you "decline to provide [the requestor with] the Custodial Death Report . . . pursuant to Article 49.18, Code of Criminal Procedure" and Open Records Decision No. 521 (1989). You have not submitted a copy of this report for our review. We note, however, that Open Records Decision No. 521 authorizes a governmental entity to withhold only Parts II to V of the form, whereas you must release Part I of the form.

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 OR92-352.

Yours very truly,



Kym Oltrogge  
Assistant Attorney General  
Opinion Committee

KO/LDB/lmm

Ref.: ID# 16225  
ID# 16231

Enclosures: Open Records Decision No. 127

cc: Ms. Ife Mahdi  
P. O. Box 1244  
Dallas, Texas 75221  
(w/o enclosures)