



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 18, 1993

Ms. Laura S. Portwood
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR93-233

Dear Ms. Portwood:

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# 19258.

The City of Houston has received a request for a copy of the police report involving Mr. Shane Butler in incident number 90421092. The requestor specifically excepts the front page of the offense report from the ambit of her request. You have submitted the requested information to us for review and claim that it is excepted from required public disclosure by sections 3(a)(3) and 3(a)(8) of the Open Records Act.

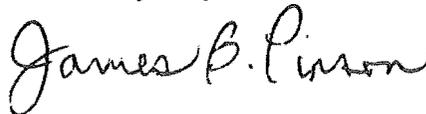
Section 3(a)(8) of the act excepts

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.

Where an incident involving allegedly criminal activity is still under active investigation or prosecution, section 3(a)(8) may be invoked by any proper custodian of information which relates to the incident. Open Records Decision No. 474 (1987) at 4-5. We understand that the requested information relates to pending criminal prosecution. We have examined the documents submitted to us for review and conclude that they may be withheld under section 3(a)(8) of the Open Records Act. As we resolve this matter under section 3(a)(8), we need not address the applicability of section 3(a)(3) at this time.

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 contact our office.

Yours very truly,

A handwritten signature in cursive script that reads "James B. Pinson".

James B. Pinson
Assistant Attorney General
Opinion Committee

JBP/GCK/le

Ref.: ID# 19258

cc: Ms. Mariann Heinen
Claim Representative
Standard Fire Insurance Company
P.O. Box 911
Houston, Texas 77001