



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 30, 1993

Mr. Robert E. Diaz  
Police Legal Advisor  
City of Arlington Police Department  
P.O. Box 1065  
Arlington, Texas 76004-1065

OR93-532

Dear Mr. Diaz:

You have asked this office whether certain information is subject to required public disclosure under the Open Records Act (the "act"), article 6252-17a, V.T.C.S. Your request was assigned ID# 20814.

The City of Arlington Police Department (the "department") has received an open records request for information relating to "the location and handling of a vehicle . . . and its contents while in the custody of" the department. This vehicle and its contents were impounded by the department in connection with a criminal arrest. You have released some of the requested information. You contend, however, that the remainder of the requested information is excepted from required public disclosure by sections 3(a)(3) and 3(a)(8) of the act.

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

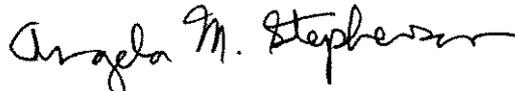
records of law enforcement agencies and prosecutors that deal with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies and prosecutors which are maintained for internal use in matters relating to law enforcement and prosecution.

Traditionally, when applying section 3(a)(8), our office has distinguished between cases that are still under active investigation and those that are closed. In cases that are still under active investigation, this section excepts from disclosure all information except that generally found on the first page of the offense report. *See generally* Open Records Decision Nos. 286 (1981); 127 (1976) (citing *Houston Chronicle Publishing 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 S.W.2d 559 (Tex. 1976)).

The information you have submitted for our review as responsive to the open records request consists of the arrest and offense reports prepared by the department regarding a particular investigation. You advise us that you have already released to the requestor the information deemed public in *Houston Chronicle* as first page offense report information. You further advise that the criminal case that is the subject of the requested information is still under active investigation or prosecution. Consequently, we conclude that the remainder of the requested information may be withheld from disclosure at this time under section 3(a)(8).<sup>1</sup>

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 this office.

Yours very truly,



Angela M. Stepherson  
Assistant Attorney General  
Open Government Section

AMS/WMW/JCC

Ref: ID# 20814

Enclosures: Submitted Documents

cc: Mr. Wesley Jones  
Ms. Jenny Jones  
3415 Sunset Lane  
Dalworthington Gardens, Texas 76016  
(w/o enclosures)

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<sup>1</sup>As we resolve your request under section 3(a)(8), we need not address the applicability of section 3(a)(3) to the requested information.