



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 31, 1994

Ms. Detra Hill
Assistant City Attorney
Supervisor, Criminal and Police Department
City Hall
Dallas, Texas 75201

OR94-022

Dear Ms. Hill:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), Government Code chapter 552.¹ We assigned your request ID# 23269.

The City of Dallas (the "city"), through its police department, has received a request for information regarding a certain robbery incident. Specifically, the requestor seeks information regarding "DPD Case #806116-B and Related Case #806126-B," including "a copy of any case reports and statements from witnesses and others on file in the CAPERS and Robbery units and 911 calls as listed in the ANI report for 10-04-93 pertaining to 2223 S Beckley, Dallas, TX 75224." You have submitted the requested information to us for review and claim that section 552.108 of the act exempts it from required public disclosure.

Section 552.108 exempts from required public disclosure:

- (a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . .
[and]

¹We note that the Seventy-third Legislature repealed article 6252-17a, V.T.C.S. Acts 1993, 73d Leg., ch. 268, § 46. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution.

Acts 1993, 73d Leg., ch. 268, § 1, at 604. Traditionally, when applying section 552.108, our office has distinguished between cases that are still under active investigation and those that are closed. Open Records Decision No. 611 (1992) at 2. 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 No. 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)).

You advise us that one of the suspects in the case at issue here remains at large and that the police department's investigation into the matter is ongoing. Accordingly, we conclude that, except for information generally found on the first page of the offense report, the city may withhold the requested information under section 552.108 of the act.

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,



William Walker
Assistant Attorney General
Open Government Section

WMW/GCK/rho

Ref.: ID# 23269

cc: Mr. Cleon A. Walden
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