



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 15, 1994

Mr. Charles Karakashian, Jr.  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR94-372

Dear Mr. Karakashian:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 26806.

The Texas Department of Public Safety ("DPS") received a request for reports concerning the arrests of several individuals. You contend that these reports involve "active criminal cases" and should be excepted from disclosure. We assume that you are asserting that the information is excepted from disclosure under section 552.108, which excepts:

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

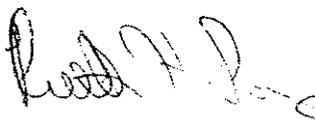
(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement.

In *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 court established guidelines regarding the types of information contained in law enforcement files that normally constitute public information. In Open Records Decision No. 127 (1976), this office concluded that during the pendency of a criminal investigation, law enforcement agencies may withhold all information gathered during the course of the investigation under section 552.108 *except* for information which is typically found on the front page of the offense report. We have enclosed a copy of that opinion, and a summary that outlines the information that is open and closed to the public.

We note, however, that the location of the information is not determinative of its status. The information identified by the court in *Houston Chronicle Publishing Co.* as information generally found on the first page of the offense report must be released regardless of where it is found. Therefore, to determine what information must be released to the requestor, you will need to examine the type of information rather than its location.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with an 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,



Ruth H. Soucy  
Assistant Attorney General  
Open Government Section

RHS/MAR/rho

Ref.: ID# 26806

Enclosures: Open Records Decision No. 127  
Summary showing types of information  
Submitted documents

cc: Mr. Hugo Juarez Carrillo  
Consul for Legal Affairs and Protection  
Secretaria de Relaciones Exteriores  
3816 Mattox  
El Paso, Texas 79925  
(w/o enclosures)