



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 30, 1995

Ms. Renee Ann Mueller
Assistant District Attorney
Twenty-first Judicial District
100 East Main, Suite 303
Brenham, Texas 77834

OR95-029

Dear Ms. Mueller:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 30090.

The Washington County Sheriff's Office (the "sheriff") has received a request for "(1) accurate written transcript and/or (2) taped copy of the '911' call made to your department on October 17, 1994 at approximately 9:52 p.m. as relates to the shooting death of William R. Royder." You have submitted the requested transcript to us for review and claim that section 552.108 of the Government Code exempts it from required public disclosure.

We agree. Section 552.108 of the Government Code 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
- (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.

Gov't Code § 552.108. When applying section 552.108, this office distinguishes 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, section 552.108 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).

You advise us that the information at issue here relates to an active criminal investigation. For this reason, we conclude that, except for first-page offense report information, the sheriff may withhold the requested information under section 552.108 of the Government Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Margaret A. Roll
Assistant Attorney General
Open Government Section

MAR/GCK/rho

Ref.: ID# 30090

Enclosures: Submitted documents

cc: Mr. Roy May, Jr.
General Manager
May Broadcasting, Inc.
306 East Main Street
Brenham, Texas 77833
(w/o enclosures)