



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 24, 1995

Ms. Karen Hendershot Bailey
Deputy City Attorney III
City of Bryan
P.O. Box 1000
Bryan, Texas 77805

OR95-194

Dear Ms. Bailey:

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# 31437.

The requestor seeks all written police reports concerning an automobile accident which occurred July 8, 1994, in the 2300 Block of Sandy Point Road, Brazos County, Texas. You raise sections 552.103 and 552.108 as exceptions to required disclosure.

Section 552.108 provides that:

(a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, and prosecution of crime is excepted from [required public disclosure].

(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 is excepted from [required public disclosure].

In an open criminal case, section 552.108 exempts from disclosure all information except that normally found on the first page of the offense report. *See generally 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);

Open Records Decision No. 127 (1976). Once a case is closed, information may be withheld under section 552.108 only if its release "will unduly interfere with law enforcement or crime prevention." See *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977); Attorney General Opinion MW-446 (1982); Open Records Decision Nos. 444 (1986), 434 (1986).

We have reviewed the documents at issue. You inform us that the criminal case is currently pending. Therefore, you may withhold the requested information with the exception of first page offense report material. As we resolve this matter under section 552.108, we need not consider your argument that section 552.103 would except the information from disclosure.

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 should 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/LMM/rho

Ref.: ID# 31437

Enclosures: Submitted documents

cc: Mr. John W. Turner
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(w/o enclosures)