



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 26, 1995

Mr. Douglas R. Hyde
Assistant City Attorney
City of Dallas
City Hall
Dallas, Texas 75201

OR95-478

Dear Mr. Hyde:

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# 31182.

The City of Dallas (the "city") has received a request for information relating to a sexual assault investigation. Specifically, the requestor seeks "[f]or Marcus DeWayne Watts date of birth July 19, 1971 all reports and any supplements and affidavits that you may have concerning sexual assault charges against him [*sic*]." You object to release of the requested information and claim that sections 552.101 and 552.108 of the Government Code except it from required public disclosure.

Section 552.108 excepts from required public disclosure the following information:

- (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.

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 requested information relates to an active criminal investigation. For this reason, we

conclude that the city may withhold the requested information, except to the extent that it includes first-page offense report information, under section 552.108 of the Government Code.¹

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,



Loretta R. DeHay
Assistant Attorney General
Open Government Section

LRD/GCK/rho

Ref.: ID# 31182

Enclosures: Submitted information

cc: Mr. William F. Watts
3514 Mt. Royal
Dallas, Texas 75211
(w/o enclosures)

¹You advise us that the victim of the sexual assault was a minor. We note that you must withhold information that identifies or tends to identify the victim in this case, even if such information is otherwise disclosable first-page offense report information. See Open Records Decision Nos. 628 (1994), 393 (1983), 339 (1982).