



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 22, 1995

Mr. Jerome Aldrich  
Criminal District Attorney  
Brazoria County  
111 East Locust, Suite 408A  
Angleton, Texas 77515

OR95-811

Dear Mr. Aldrich:

You have asked whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. The request was assigned ID# 33839.

Brazoria County (the "county") received a request for information about an ongoing police investigation. You submitted responsive documents to this office. You contend that these records are excepted from disclosure under section 552.108 of the Government Code.<sup>1</sup>

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 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, 586 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Section 552.108 is applicable while the case is being investigated until it is closed through prosecution. Attorney General Opinion MW-446 (1982) at 2. Since none of the information at issue is front page offense report information, and this is an active investigation, the county may withhold from disclosure the information at issue.<sup>2</sup>

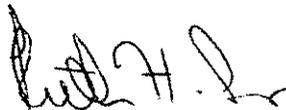
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<sup>1</sup>The requestor also asked for information about a radio that the county purchased in 1990. Since you raise no objection to releasing this information and have not provided this office any records that are responsive to that request, we assume such records, if any, have already been released.

<sup>2</sup>Because the information at issue may be withheld from disclosure under section 552.108, we do not need to address your other arguments against release of the information.

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,

A handwritten signature in black ink, appearing to read "Ruth H. Soucy". The signature is written in a cursive style with a large initial "R" and "S".

Ruth H. Soucy  
Assistant Attorney General  
Open Government Section

RHS/rho

Ref.: ID# 33839

Enclosures: Marked documents

cc: Mr. Matt Wingo  
121 Coleman  
Angleton, Texas 77515  
(w/o enclosures)