



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 28, 1995

Mr. William R. Pemberton
City Attorney
P.O. Box 1112
Crockett, Texas 75835

OR95-1003

Dear Mr. Pemberton:

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# 35086.

The City of Crockett (the "city") received an open records request for records pertaining to the city police department's investigation of a purported suicide. You contend that the police department files may be withheld from the public because "they involve an ongoing investigation." We infer from this statement that you seek to withhold the requested information pursuant to section 552.108 of the Government Code, the "law-enforcement" exception.

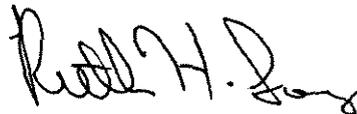
Traditionally, when applying section 552.108, our office has distinguished between cases that are still under active investigation and those that are closed. Open Records Decision No. 611 (1992) at 2. In cases that are still under active investigation, this section excepts from required public disclosure all information except that generally found on the first page of the offense report. See generally Open Records Decision No. 127 (1976) (citing *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)).

After reviewing the documents at issue, it is clear that the police department has not yet concluded its investigation of the shooting. Accordingly, except for those categories of information specifically held to be public in *Houston Chronicle* and Open Records Decision No. 127 (1976) (see attached summary), the city may at this time withhold the requested information in its entirety pursuant to section 552.108. If the city receives another open records request for these records after the police investigation has

concluded, you may request another open records decision regarding these records at that time.

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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/RWP/ch

Ref.: ID# 35086

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

cc: Mr. Autrey Lee Bean
P.O. Box 227
Crockett, Texas 75835
(w/o enclosures)