



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 20, 1995

Mr. James Showen  
Senior Assistant City Attorney  
City of Tyler  
P.O. Box 2039  
Tyler, Texas 75710

OR95-1094

Dear Mr. Showen:

You have asked this office to determine if information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 26112.

The City of Tyler (the "city") received a request for police records in connection with two criminal cases.<sup>1</sup> You assert that the requested information is excepted from disclosure pursuant to section 552.108.

When applying section 552.108, this office distinguishes between cases that are still under 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 an offense report. Open Records Decision No. 127 (1976). Information may be withheld during the investigation and through the prosecution of the case. Attorney General Opinion MW-446 (1982). You indicate that prosecution is ongoing in both cases. Thus, all but the type of information generally found on the first page of the offense reports may be withheld until the case is closed through a conviction or acquittal, or by administrative decision. Open Records Decision No. 372 (1983) at 4.

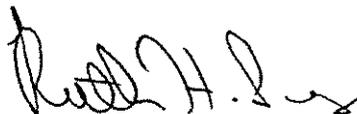
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<sup>1</sup>It is not clear from the information submitted to this office whether the requestor is incarcerated at a correctional facility. However, since the city has asked this office for a decision concerning the request we need not consider the applicability of section 552.027 of the Government Code to this situation.

We note that some of the information you submitted to this office appears to be first page offense report information. Although first page offense report information is generally found on the first page of an offense report, its location is not determinative. It must be released regardless of where it is located. To determine what information must be released, the type of information must be examined rather than where it is located. See Open Records Decision No. 127 (1976) at 5. We have enclosed a list of the types of information that are generally public and must be disclosed.

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", with a stylized flourish at the end.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/rho

Ref.: ID# 26112

Enclosures: Submitted documents  
ORD 127 Summary

cc: Mr. Rickey L. Johnigan  
206 East Elm Street  
Tyler, Texas 75702  
(w/o enclosures)