



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 30, 1995

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

OR95-1151

Dear Mr. Showen:

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# 26542.

The City of Tyler Police Department (the "department") has received a request for the incident report on a robbery case. On October 24, 1995, you confirmed in our telephone conversation that the investigation of this case is still active. You say that the department wishes to withhold the information on the basis of the "law enforcement" exception, section 552.108. Section 552.108 excepts from disclosure:

- (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

We have examined the information at issue and conclude that, except for "first page offense report" material contained therein, which *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) held to be open, you may withhold it under section 552.108. See *Houston Chronicle Publishing Co.*; Open Records Decision No. 127 (1976) (copy enclosed).

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 may 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 "Todd Reese", with a long horizontal line extending to the right.

Todd Reese
Assistant Attorney General
Open Records Division

RTR/rho

Ref.: ID# 26542

Enclosures: Submitted documents
Open Records Decision No. 127 (1976)

cc: Ms. Renee L. Barnett
Legal Assistant
Law Office of Robert A. Ray
3535 S. Broadway
Tyler, Texas 75701
(w/o enclosures)