



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 14, 1995

Ms. Tracy R. Briggs
Assistant City Attorney
Legal Department
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR95-1231

Dear Ms. Briggs:

You ask whether certain information is subject to required public disclosure pursuant to chapter 552 of the Government Code. Your request was assigned ID# 31438.

The City of Houston (the "city") received two requests from the same requestor for information relating to the city's Ethics Committee and Public Integrity Unit ("PIRG"). You state that the city has released several responsive documents pursuant to the request for information. You contend, however, that the PIRG standard operating procedures and portions of the PIRG monthly reports are excepted from required public disclosure under sections 552.103 and 552.108 of the Government Code.¹

Though you raised section 552.103 in your initial correspondence to this office and stated that marked documents would be submitted for our review, the subsequent correspondence from the city did not address section 552.103, nor were marked documents submitted under section 552.103. Accordingly, you have waived this exception.

¹As the applicability of section 143.1214 of the Local Government Code is the subject of a pending open records decision, RQ-688, we do not address your arguments under section 552.101 of the Government Code related to the PIRG's monthly report reflecting unsustained complaints against fire fighters and police officers in this ruling. We hereby sever the issue of the applicability of section 143.1214 of the Local Government Code to closed cases from this ruling. That issue will remain pending with this office under ID# 37063 until RQ-688 is decided by this office.

Section 552.108 excepts information relating to an incident involving allegedly criminal conduct that is still under active investigation or prosecution, Open Records Decision Nos. 474 (1987), 372 (1983), and information regarding closed investigations where release of the records would unduly interfere with the prevention of crime and the enforcement of the law, Open Records Decision No. 553 (1990) at 4 (and cases cited therein).

You claim that the release of the standard operating procedures for PIRG, particularly the marked portions of the documents, would unduly interfere with the prevention of crime and the enforcement of the law by advising the public of the investigative techniques that would be used during an investigation. We disagree. The standard operating procedures do not reveal law enforcement techniques that are not generally known by the public. You may not withhold this information under section 552.108.

You claim that the information designated as "active" in exhibits B, C, and D would unduly interfere with the prevention of crime and the enforcement of the law by revealing who is under investigation and why. However, certain factual information generally found on the front page of police offense reports is public even during an active investigation. *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); Open Records Decision No. 127 (1976) at 3-4 (listing factual information available to public). The information you wish to withhold constitutes front page offense report information. You may not withhold this information under section 552.108 of the Government Code.

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,



Kathryn P. Baffes
Assistant Attorney General
Open Records Division

KPB/LBC/rho

Ref: ID# 31438

Enclosures: Submitted documents

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(w/o enclosures)