



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 30, 1995

Mr. Robert J. Young
Dallas County Community College District
R.L. Thornton, Jr. Building
701 Elm Street, Room 400
Dallas, Texas 75202-3299

OR95-1318

Dear Mr. Young:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. We assigned your request ID# 36816.

The Dallas County Community College District (the "district") received an open records request for a complaint filed against a particular individual with campus security at Richland Community College. You indicate that the district has released the cover page containing basic factual information regarding the complaint. However, you wish to withhold a witness statement, which you indicate is the only other document regarding this complaint in the hands of the Richland College Police Department. You contend that section 552.108 of the Government Code excepts from disclosure the witness statement.

We agree that section 552.108 excepts from disclosure the requested witness statement. In cases that are currently under active investigation, section 552.108 usually excepts from disclosure all information except that generally found on the first page of the offense report. See generally *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). Otherwise, when the "law enforcement" exception is claimed, the agency claiming it must reasonably explain, if the information does not supply the explanation on its face, how its release would unduly interfere with law enforcement. Open Records Decision No. 434 (1986) at 2 (citing *Ex parte Pruitt*, 551 S.W.2d 706, 710 (Tex. 1977)). You indicate that the case at issue here is currently under active investigation. We assume that the cover page you have released contains all the information generally found on the first page of an offense report, including a detailed description of the offense and the identity of the complainant. Under these circumstances, you may withhold the requested witness statement in its entirety.

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,



Margaret A. Roll
Assistant Attorney General
Open Records Division

MAR/rho

Ref.: ID# 36816

Enclosure: Submitted document

cc: Paul F, McNulty, Esq.
3626 North Hall, Suite 700
Dallas, Texas 75219
(w/o enclosure)