



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 29, 1995

Mr. H. Howell
Chief of Police
Missouri City
P.O. Box 666
Missouri City, Texas 77459

OR95-1631

Dear Chief Howell:

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# 34937.

The City of Missouri City received several requests for a 911 tape recording, an affidavit, and certain photographs held by the city relating to an alleged assault. You contend that the requested information is excepted from required public disclosure under sections 552.101 and 552.108 of the Government Code.

Section 552.108(a) excepts records that deal with the detection, investigation, or prosecution of crime. Where an incident involving allegedly criminal conduct is still under active investigation or prosecution, any proper custodian of information which relates to the incident may invoke section 552.108. Open Records Decision Nos. 474 (1987), 372 (1983). You state that there is an ongoing investigation into the incident that is the subject of the request for information. Accordingly, these particular documents may be withheld under section 552.108 of the Government Code. As we resolve your request under section 552.108, we need not address the applicability of section 552.101.

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 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 "RWS" followed by a stylized flourish.

Robert W. Schmidt
Assistant Attorney General
Open Records Division

RWS/LBC/rho

Ref: ID# 34937

Enclosures: Submitted documents

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