



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 17, 1996

Ms. Doreen E. McGookey  
Assistant City Attorney  
Criminal Law and Police Division  
City of Dallas  
Office of the City Attorney  
501 Police and Courts Building  
Dallas, Texas 75201

OR96-0043

Dear Ms. McGookey:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 37205.

The City of Dallas (the "city"), through the Dallas Police Department, received a request for the autopsy results or police reports regarding the shooting death of a city police officer, specifically as to the number of times the officer was shot. You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claimed and have reviewed the documents at issue.

Section 552.108(a) excepts from disclosure records of law enforcement agencies or prosecutors that deal with criminal investigations and prosecutions. When applying section 552.108, this office distinguishes between cases that are still under active 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 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). Once a case is closed, information may be withheld under section 552.108 only if its release "will unduly interfere with law enforcement or crime prevention." See *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977);

Attorney General Opinion MW-446 (1982); Open Records Decision Nos. 444 (1986), 434 (1986).

You did not submit an autopsy report to this office for review. However, we note that autopsy reports are expressly made public by the Code of Criminal Procedure. Code Crim. Proc. art. 49.25, § 11. Therefore, any autopsy report must be disclosed.

You state that this incident is currently under investigation. Therefore, with the exception of any autopsy report and information that would typically appear on the front page of an offense report, the city may withhold the requested information under section 552.108(a). You state that the city has released the front page of the offense report to the requestor. We note, however, that the location of the information that must be released is not determinative. To determine what information must be released, the type of information must be examined rather than its location. See Open Records Decision No. 127 (1976) at 5. We enclose a copy of Open Records Decision No. 127 (1976) for your information.

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,



Stacy E. Sallee  
Assistant Attorney General  
Open Records Division

SES/ch

Ref.: ID# 37205

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

cc: Mr. Ernie Makovy  
Senior Editor/Dallas Bureau Chief  
Fort Worth Star Telegram  
P.O. Box 1870  
Fort Worth, Texas 76101  
(w/o enclosures)