



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 17, 1996

Mr. Robert E. Hager
Nichols, Jackson, Dillard,
Hager and Smith, L.L.P.
1800 Lincoln Plaza
500 North Akard
Dallas, Texas 75201

OR96-0048

Dear Mr. Hager:

You have asked if certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. These requests were assigned ID#s 35124, 36718, and 36918.

The City of DeSoto (the "city") received several different requests for information. Some of the information that was requested apparently has already been released. However, you assert that the remaining responsive documents are excepted from disclosure pursuant to section 552.108.¹ You have submitted to this office as responsive to the requests various documents concerning a recently reactivated police investigation into a murder and an ongoing investigation into alleged threats against the city's police chief.

When applying section 552.108, this office distinguishes between cases that are still under 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 an offense report. Open Records Decision No. 127 (1976). You indicate that these documents are related to ongoing police investigations.

¹You also indicate that some of the records at issue do not exist. We note that the Open Records Act does not apply to information that does not exist. See Open Records Decision No. 555 (1990).

After a review of the information supplied this office and the documents at issue, we conclude that section 552.108 is applicable. The information at issue may therefore be withheld from disclosure.²

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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/rho

Ref.: ID#s 35124, 36718 and 36918

Enclosures: Submitted documents

cc: Mr. James R. Milano
1105 Bryn Mawr
Corsicana, Texas 75110
(w/o enclosure)

Mr. Durward Davis
514 N. Hampton
DeSoto, Texas 75115
(w/o enclosure)

Mr. Dennis Kruse
617 Parkdale
DeSoto, Texas 75115
(w/o enclosure)

²You submitted to this office court records concerning one of the requestors. We assume that these records are not at issue but were submitted for informational purposes.