



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 23, 1996

Ms. Judith A. Hunter
City of Georgetown
P.O. Box 409
Georgetown, Texas 78627-04009

OR96-0073

Dear Ms. Hunter

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#37937.

The City of Georgetown (the "city") received a request for certain records regarding a deceased individual and records of a law enforcement investigation. You contend the requested information is excepted from required public disclosure under section 552.108 Government Code. You inform us that the records that are the subject of the information request deal with an ongoing investigation presently being conducted by the Georgetown Police Department which may result in charges being filed.

The city claims that section 552.108 excepts the requested information from disclosure. Section 552.108 excepts from disclosure:

- (a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, and prosecution of crime
- (b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution

In a criminal case that is under active investigation, section 552.108 exempts from disclosure all information except that normally 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). You indicate that you have already released the first

page of the offense report. In the instant criminal case that is under active investigation, section 552.108 excepts from disclosure all the remaining 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,



Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/ch

Ref.: ID# 37937

Enclosures: Submitted documents

cc: Mr. John H. Akin
515 Congress Avenue # 2424
Austin, Texas 78701
(w/o enclosures)