



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 29, 1996

Ms. Judith A. Hunter
Paralegal
City of Georgetown
City Attorney's Office
P.O. Box 409
Georgetown, Texas 78627-0409

OR96-0105

Dear Ms. Hunter:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 37958.

The City of Georgetown (the "city") received two requests for information relating to a traffic accident between a vehicle and a pedestrian that occurred on December 6, 1995. The first request is for the "offense report, witness report, any supplements that go along with the reports, anything of importance pertaining to the file 'N3.'" The second request is for "witness information" about this accident. 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.

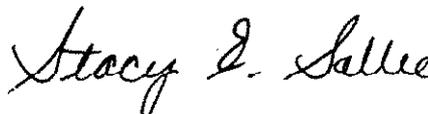
Section 552.108(a) excepts from disclosure records of law enforcement agencies or prosecutors that deal with criminal investigations and prosecutions. When applying section 552.108, this office distinguishes between cases that are still under active investigation and those that are closed. Open Records 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 state that this case has been referred to the Williamson County District Attorney for investigation and that you contacted the District Attorney who stated that the investigation is pending and may result in charges being filed. Therefore, with the exception of information generally found on the first page of an offense report, the city may withhold the requested documents under section 552.108.

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# 37958

Enclosures: Submitted documents

cc: Mr. Landon Wood
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(w/o enclosures)

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