



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 31, 1996

Mr. Jason C. Marshall
Nichols, Jackson, Dillard, Hager
& Smith, L.L.P.
1800 Lincoln Plaza
500 North Akard
Dallas, Texas 75201

OR96-0132

Dear Mr. Marshall:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 37560.

The City of Coppell (the "city") received a request for "any documents (police incident reports) reflecting investigation of concealment of Robinson stolen vehicle from 8-14-94 thru 8-20-94." You claim that the requested information is excepted from required public disclosure under section 552.108 of the Government Code.

Section 552.108 provides that:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [required public disclosure].

(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 is excepted from [required public disclosure].

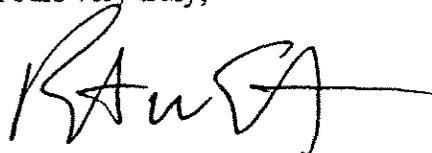
Where an incident involving allegedly criminal conduct is still under active investigation or prosecution, any proper custodian of information which relates to the incident may invoke section 552.108. Open Records Decision Nos. 474 (1987), 372 (1983). Certain factual information generally found on the front page of police offense reports, however, is public even during an active investigation. *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) at 3-4 (listing factual information available to public).

We stress that the city must release the type of information deemed public by the *Houston Chronicle Publishing Co.* case regardless of its location within an investigation file. The content of the information determines whether it must be released in compliance with the *Houston Chronicle Publishing Co.* case, not its literal location on the first page of an offense report.

You state that the requested information concerns an active investigation. However, much of the submitted information concerns documents previously determined to be public in Open Records Letter No. 95-1353 (1995). Accordingly, you may not withhold information that was determined to be available to the public in Open Records Letter No. 95-1353 (1995), nor may you withhold the type of information deemed public by the *Houston Chronicle Publishing Co.* case. The remaining information may be withheld as part of an active criminal investigation under section 552.108 of the Government Code.

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,



Robert W. Schmidt
Assistant Attorney General
Open Records Division

RWS/LBC/rho

Ref: ID# 37560

Enclosures: Open Records Decision No. 127 (1976)
Open Records Letter No. 95-1353 (1995)
Submitted documents

cc: Mr. John Robinson
540 Christi
Coppell, Texas 75019
(w/o submitted documents)