



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 28, 1996

Mr. Gary W. Smith  
City Attorney  
City of Greenville  
P.O. Box 1049  
Greenville, Texas 75403-1049

OR96-0455

Dear Mr. Smith:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 39021.

The City of Greenville Police Department (the "department") has received a request for the offense report pertaining to an alleged criminal mischief. You contend that because this case is still "ongoing," the information should be protected from disclosure under section 552.108. Section 552.108 excepts from disclosure:

- (a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, or 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 . . . .

When applying section 552.108, this office distinguishes between information relating to 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) at 3-4. Once a case is closed, however, information may be withheld under section 552.108 only if its release "will unduly interfere with law enforcement or crime prevention." *See* Open Records Decision No. 553 (1990) at 4 (and cases cited therein).

We have examined the information at issue and conclude that, except for "first page offense report" material contained therein, which *Houston Chronicle* held to be open, you may withhold it under section 552.108.<sup>1</sup> See *Houston Chronicle Publishing Co*; Open Records Decision No. 127 (1976).

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 may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Reese", written over a horizontal line.

Todd Reese  
Assistant Attorney General  
Open Records Division

RTR/ch

Ref: ID# 39021

Enclosures: Submitted documents

cc: Ms. Patricia Lyon  
2107 "C" Stanford  
Greenville, Texas 75401  
(w/o enclosures)

---

<sup>1</sup>You indicate that you seek to withhold only the victim's home phone number, the victim's employer, the victim's employer's address and phone number, and the statements of the victim and the suspect. We agree that these items may be withheld under section 552.108 and *Houston Chronicle*.