



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 15, 1996

Mr. John Steiner  
Division Chief  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767-1088

OR96-0541

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 39552.

The City of Austin (the "city") received a request for "a complete copy of the file regarding APD Incident Report Number 96-0210169." You contend that the requested information, with the exception of information that would generally appear on the first page of an offense report, is excepted from disclosure by sections 552.103 and 552.108.

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 the requested information relates to "an open criminal investigation." Accordingly, the city may withhold all requested information except that generally found on the first page of the offense report.<sup>1</sup> Because we conclude that the city may withhold the requested information pursuant to section 552.108, we do not address your section 552.103 claim.

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<sup>1</sup>As you do not object to releasing front page offense report information, we assume that you have provided the requestor with this 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,



Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref.: ID# 39552

Enclosures: Submitted documents

cc: Mr. Doug Kirk  
5201 Kite Trail Drive  
Austin, Texas 78730  
(w/o enclosures)