



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 16, 1996

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

OR96-0556

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# 39013.

The City of Georgetown (the "city") received a request for records relating to an incident that was investigated by the city's police department. You state that you have released the first page of the police department's offense report, but assert that the remainder of the report is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. You have submitted a copy of the report for our review.

Section 552.108 excepts from required public disclosure the following information:

- (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.

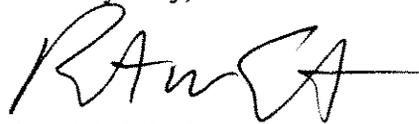
When applying section 552.108, this office distinguishes between cases that are still under active investigation and those that are closed. Open Records Decision No. 611 (1992) at 2. In cases that are still under active investigation, section 552.108 excepts from disclosure all information except that generally found on the first page of the offense report. *See generally* Open Records Decision No. 127 (1976). You advise us that the requested information relates to an active criminal investigation. For this reason, we

conclude that the city may withhold the requested offense report under section 552.108 of the Government Code, with the exception of the first-page offense report information.¹

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. In the case at hand, the front page of the city's offense report does not contain all information held to be public in *Houston Chronicle Publishing Co.* Specifically, we find that the "narrative" does not contain a sufficient, detailed description of the alleged offense.²

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/ch

Ref.: ID# 39013

Enclosures: Submitted documents

cc: Ms. Juanita Watts
1100 Leander Road
Georgetown, Texas 78628
(w/o enclosures)

¹Because we have held that you may withhold the requested information under section 552.108 of the Government Code, we do not address whether you may withhold the information under section 552.101.

²We have enclosed a copy of Open Records Decision No. 127 (1976), which lists the types of information which are available to the public.