



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 28, 1996

Mr. Ron M. Pigott  
Assistant General Counsel  
Texas Department of Public Safety  
Box 4087  
Austin, Texas 78773-0001

OR96-0816

Dear Mr. Pigott:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 40073.

The Texas Department of Public Safety (the "department") received a request for "[a]ny and all documents, records, files relating to the criminal investigation into Schleicher County Sheriff Richard Harris." You submitted two files to this office, one relating to an aggravated assault on the sheriff, the prosecution of which you assert is pending, and one relating to a possible theft by the Schleicher County Sheriff's Office, the investigation of which you assert is pending. You contend that the information should be protected from disclosure under sections 552.103 and 552.108.<sup>1</sup>

Section 552.108 exempts from disclosure:

- (a) Information held by 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 . . . .

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<sup>1</sup>As you do not explain how section 552.103 applies to the requested information, we do not consider this exception. See Gov't Code § 552.301(b)(1); Open Records Decision No. 363 (1983).

In an open criminal case, section 552.108 exempts from disclosure all information except that normally 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." 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 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) held to be open, you may withhold it under section 552.108. *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.

Yours very truly,



Todd Reese  
Assistant Attorney General  
Open Records Division

RTR/rho

Ref.: ID# 40073

Enclosures: Submitted documents

cc: Ms. Diane Dotson  
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(w/o enclosures)