



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 29, 1996

Ms. Marlene M. Menard
Assistant City Attorney
City of Dallas
City Hall
Dallas, Texas 75201

OR96-0818

Dear Ms. Menard:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 39898.

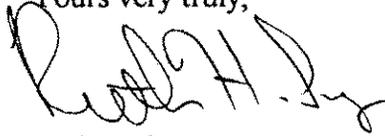
The City of Dallas (the "city") received a request for an arrest report and the results of a blood alcohol test. You state that you have provided to the requestor the information normally found on the first page of an offense report. However, you contend that section 552.108 of the Government Code exempts the other information at issue from disclosure. You have submitted to this office for review the other information at issue.

When applying section 552.108, this office distinguishes between cases that are still under active investigation or prosecution and those that are closed. Open Records Decision No. 611 (1992) at 2. In cases that are still under active investigation or prosecution, section 552.108 exempts from disclosure all information except that generally found on the first page of an offense or arrest report. *See 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*, 586 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976).

Section 552.108 is applicable while the case is being investigated and through prosecution. Attorney General Opinion MW-446 (1982) at 2. You state that the requested information is part of an ongoing criminal investigation. Thus, the information at issue other than the type generally found on the first page of an offense report may be withheld from disclosure.

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,

A handwritten signature in black ink, appearing to read "Ruth H. Soucy". The signature is fluid and cursive, with the first name "Ruth" being the most prominent.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 39898

Enclosures: Submitted documents

cc: Mr. Randall Dennison
2638 ALCOA Avenue
Dallas, Texas 75211
(w/o enclosures)