



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 10, 1996

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

OR96-0921

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# 39662.

The Texas Department of Public Safety (the "department") received a request for "all documents pertaining to a high speed chase involving Trooper Mark Negri on Saturday, March 9, 1996 in Mitchell County, Texas." You contend that the requested documents, which you have submitted to this office for review, are excepted from disclosure pursuant to section 552.108 of the Government Code.

We note that the requested documents contain information relating to juvenile conduct which occurred after January 1, 1996. We recently ruled, in Open Records Decision No. 644 (1996), that section 58.007 of the Family Code does not make confidential juvenile law enforcement records concerning conduct occurring on or after January 1, 1996, that are maintained by law enforcement agencies. Therefore, we must address your claim that section 552.108 of the Government Code excepts the requested documents from disclosure.

Section 552.108(a) excepts from disclosure information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime. 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 San Angelo Police Department is still investigating the incident and plans to bring criminal charges against the individuals involved. You also state that the San Angelo Police Department has asked that the requested documents not be released during its investigation. Under these circumstances, we conclude that the department may, on behalf of the San Angelo Police Department, withhold from disclosure under section 552.108 all information in the requested documents except that generally found on the first page of the offense report.

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# 39662

Enclosures: Submitted documents

cc: Mr. Paul Brown
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