



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 14, 1996

Ms. Karen C. Gladney  
Assistant City Attorney  
City of Austin  
Law Department  
P.O. Box 1088  
Austin, Texas 78767-1088

OR96-0956

Dear Ms. Gladney:

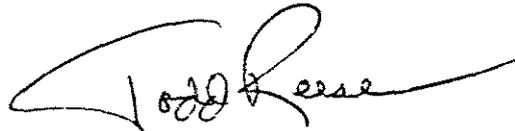
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 40029.

The City of Austin (the "city") received an open records request from an AFSCME representative for copies of statements submitted to the city in connection with certain allegations against a city employee. You state that the requested information was created as part of an investigation by the city police department and is currently in the hands of the Travis County District Attorney's Office for presentment to the grand jury. You seek to withhold the requested records pursuant to section 552.108 of the Government Code.

When a governmental body claims section 552.108, the relevant question this office must address is whether the release of the requested information would undermine a legitimate interest relating to law enforcement or prosecution. Open Records Decision No. 434 (1986). Traditionally, when applying section 552.108, our office has distinguished between cases that are under active investigation and those that are closed. Open Records Decision No. 611 (1992) at 2. In cases that are under active investigation, section 552.108 excepts from required public disclosure all information gathered by the police except for the "front page offense report information." *See generally* Open Records Decision No. 127 (1976). Assuming the district attorney's prosecution of this matter is pending as of the date of this letter, we agree that the city may withhold the requested information pursuant to section 552.108.

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 "Todd Reese". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Todd Reese  
Assistant Attorney General  
Open Records Division

RTR/RWP/rho

Ref.: ID# 40029

Enclosures: Submitted documents

cc: Mr. Greg Powell  
AFSCME  
815 Brazos Street, Suite 500  
Austin, Texas 78701  
(w/o enclosures)