



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 14, 1996

Mr. Novert A. Morales  
Assistant City Attorney  
City of Midland  
P.O. Box 1152  
Midland, Texas 79702-1152

OR96-0957

Dear Mr. Morales:

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# 40048.

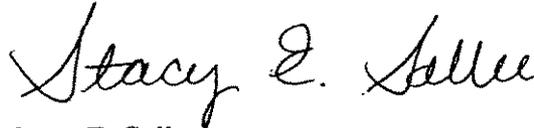
The City of Midland (the "city") received an open records request for a police report pertaining to a particular DWI arrest. You state that the incident described in the requested police report is the subject of an active pending investigation by the city's police department. You contend the police report is excepted from required public disclosure under 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). When applying section 552.108, our office has traditionally 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).

You state that that you have released to the requestor all of the "front page offense report information" to the requestor. Assuming the police department's investigation of the DWI is pending as of the date of this letter, we conclude that the city may withhold the remaining portions of the police report at this time 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,



Stacy E. Sallee  
Assistant Attorney General  
Open Records Division

SES/RWP/rho

Ref.: ID# 40048

Enclosures: Submitted documents

cc: Ms. Kimberly A. Morrison  
Claim Representative  
State Form Insurance Companies  
P.O. Box 60710  
Midland, Texas 79711-0710  
(w/o enclosures)