



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 18, 1996

Ms. Judith A. Hunter  
Paralegal  
City of Georgetown  
City Attorney's Office  
P.O. Box 409  
Georgetown, Texas 78627-0409

OR96-0975

Dear Ms. Hunter:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 37671.

The City of Georgetown (the "city") received a request for the police report pertaining to an alleged assault. You contend that the information should be protected from required public disclosure under section 552.108 of the Government Code.

Section 552.108 excepts 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 . . . .

When applying section 552.108, this office distinguishes between information relating to 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) at 3-4. Once a case is closed, however, information may be withheld under section 552.108 only if its release "will unduly interfere with law enforcement or crime prevention." *See* Open Records Decision No. 553 (1990) at 4 (and cases cited therein).

You state that city's Police Department's investigation into this case is pending. We have examined the information at issue and conclude that, except for "first page offense report" material contained therein, which *Houston Chronicle* held to be open, you may withhold it under section 552.108. See *Houston Chronicle Publishing Co*; Open Records Decision No. 127 (1976). We stress that you must release the type of information deemed public by the *Houston Chronicle Publishing Co.* case regardless of its location within an investigation file. The content of the information determines whether it must be released, not its literal location on the first page of an 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 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,

A handwritten signature in black ink that reads "Todd Reese". The signature is fluid and cursive, with a long horizontal line extending to the right.

Todd Reese  
Assistant Attorney General  
Open Records Division

RTR/rho

Ref.: ID# 37671

Enclosures: Submitted documents

cc: Ms. Patricia Terrill  
26 Kendell Street  
Georgetown, Texas 78626  
(w/o enclosures)