



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 6, 1992

Ms. Mary Ann Courter
Assistant General Counsel
Texas Department of Public Safety
5805 North Lamar Boulevard, Box 4087
Austin, Texas 78773-0001

OR92-85

Dear Ms. Courter:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 14599.

You have received a request from Mr. Mark Ervin Reeves for copies of Department of Public Safety records that relate to a number of robberies for which Mr. Reeves was convicted. The requestor seeks any information the Department of Public Safety maintains about him. You claim that the requested information is excepted from required public disclosure by sections 3(a)(1), 3(a)(3), and 3(a)(8) of the Open Records Act.

You assert that the requested information is excepted from disclosure under section 3(a)(8) of the act, which excepts:

records of law enforcement agencies and prosecutors that deal with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies and prosecutors which are maintained for internal use in matters relating to law enforcement and prosecution.

Where an incident involving allegedly criminal activity is still under active investigation or prosecution, section 3(a)(8) may be invoked by any proper

custodian of information which relates to the incident. Open Records Decision No. 474 (1987). You advise us that the requested information relates to a pending criminal investigation. We have examined the documents submitted to us for review and conclude that, except for front page offense report information identified as available to the public in Open Records Decision No. 127 (1976), the requested information may be withheld under section 3(a)(8). As we resolve this matter under section 3(a)(8), we need not address the applicability of sections 3(a)(1) and 3(a)(3) at this time.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-85.

Yours very truly,



Susan Garrison
Assistant Attorney General
Opinion Committee

SW/SG/GK/mc

Ref.: ID# 14599

cc: Mr. Mark Ervin Reeves
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