



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 30, 1995

Mr. Douglas R. Hyde  
Assistant City Attorney  
City of Dallas  
City Hall  
Dallas, Texas 75201

OR95-014

Dear Mr Hyde:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. We assigned your request ID# 27758.

The City of Dallas Police Department received a request for the following information:

1. Copies of Vice Division "Operational Plan" for T.A.B.C. inspections on April 22, 1994.
2. Copies of Vice Division "Operational Plan" for the evening of June 3, 1994 or the early morning hours of June 4, 1994.
3. The names of all persons arrested or issued citations by Vice Division personnel at 1100 S. Haskell on June 4, 1994.

You seek to withhold the requested information, which you have submitted for review, under section 552.108.

Section 552.108 of the Government Code provides as follows:

- (a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [required public disclosure].

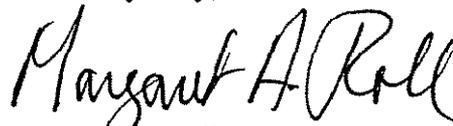
(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from [required public disclosure].

When applying section 552.108, this office distinguishes between information relating to cases that are still under active investigation and other information. 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). Otherwise, when the "law enforcement" exception is claimed, the agency claiming it must reasonably explain, if the information does not supply the explanation on its face, how its release would unduly interfere with law enforcement. Open Records Decision No. 434 (1986) at 3 (citing *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977)).

We conclude that you have not met your burden of demonstrating that section 552.108 excepts the requested information from disclosure. Much of the information you submitted for review constitutes first page offense report material, which the *Houston Chronicle Publishing Co.* court held to be open and which must, therefore, be released. Examples of this type of information include the names, ages, and genders of the persons arrested; the location and time of the crime; the property involved in the crime; the names of the arresting officers; and the date, time, and place of the arrest. *Houston Chronicle Publishing Co.*, 531 S.W.2d 177; Open Records Decision No. 127 (1976) at 3-4. Furthermore, although you assert that releasing the information will interfere with an ongoing police investigation, the records you submitted for review relate to an operation that took place months ago. You did not explain how releasing these records would interfere with an ongoing investigation, and the records do not supply this explanation on their face. Therefore, you may not withhold the records you submitted for review under section 552.108, and you must release them in their entirety.

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 under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Margaret A. Roll  
Assistant Attorney General  
Open Government Section

MAR/rho

Ref: ID# 27758

Enclosures: Submitted documents

cc: Mr. Alfred L. Owen, No. 2437  
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(w/o enclosures)