



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 26, 1995

Ms. J. Praba Cinclair  
Assistant City Attorney  
Criminal Law and Police Division  
City of Dallas, City Hall  
Dallas, Texas 75201

OR95-292

Dear Ms. Cinclair:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 30682.

The City of Dallas (the "city") has received two requests for information relating to the police department's investigation of the murder of Angela McDonald, which occurred March 14, 1993. You object to release of the requested information and claim section 552.108 of the Government Code exempts it from required public disclosure.

Section 552.108 exempts from required public disclosure the following information:

- (a) A record of 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 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 exempts from disclosure all information except that generally found on the first page of the

offense report. *See generally* Open Records Decision No. 127 (1976). You advise us that the requested information relates to an active criminal investigation. For this reason, we conclude that the city may withhold the requested information, except to the extent that it includes first-page offense report information, under section 552.108 of the Government Code.

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,



KyMBERLY K. Oltrogge  
Assistant Attorney General  
Open Government Section

KKO/GCK/rho

Ref.: ID# 30682

Enclosures: Submitted documents

cc: Ms. Robyn R. Malone  
Chapman & Reese  
1200 Stemmons Place  
2777 Stemmons Freeway  
Dallas, Texas 75207  
(w/o enclosures)

Mr. Darrell D. Joy  
M & M Security Services, Inc.  
1121 Hampshire Lane, Suite 200  
Richardson, Texas 75080  
(w/o enclosures)