



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 31, 1995

Ms. Kathleen Weisskopf
Assistant City Attorney
City of Arlington
P.O. Box 231
Arlington, Texas 76004-0231

OR95-746

Dear Ms. Weisskopf:

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# 33123.

The City of Arlington (the "city") received a request for a copy of a complaint filed with the Arlington city attorney's office against the requestor's husband. You claim that the complaint and its attachments are excepted from disclosure under section 552.108(a) of the Government Code. We have considered the exception you have claimed and have reviewed the documents at issue.

Section 552.108 excepts from disclosure:

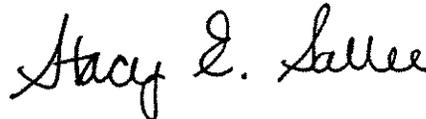
- (a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime

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 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). Once a case is closed, information may be withheld under section 552.108 only if its release "will unduly interfere with law enforcement or crime prevention." *See Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977); Attorney General Opinion MW-446 (1982); Open Records Decision Nos. 444 (1986), 434 (1986).

You inform us that a municipal court prosecutor investigates complaints such as the one you submitted to determine whether class "C" misdemeanor criminal charges should be brought. You also inform us that the investigation about the particular complaint you submitted is on-going. Therefore, with the exception of the information that typically appears on the first page of an offense report, the city may withhold the remainder of the requested information. We are enclosing a copy of Open Records Decision No. 127 (1976), which lists the type of information that is available to the public.

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,



Stacy E. Sallee
Assistant Attorney General
Open Government Section

SES/KHG/rho

Ref.: ID# 33123

Enclosures: Open Records Decision No. 127 (1976)
Submitted documents

cc: Ms. Jean Humphreys
3800 Rustic Forest
Arlington, Texas 76016
(w/o enclosures)