



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 31, 1995

Ms. Lan P. Nguyen
Assistant City Attorney
Legal Department
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR95-750

Dear Ms. Nguyen:

You asked whether certain information is subject to required public disclosure under the Open Records Act, Chapter 552 of the Government Code. Your request was assigned ID# 33315.

The City of Houston (the "city") received an open records request for an incident report involving a particular individual. You state that the city will release to the requestor the first page of the requested offense report, called the Public Release Information sheet. You contend that the remainder of the said offense report is excepted from public disclosure under section 552.108 of the Government Code.

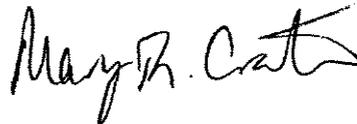
In a criminal case that is under active investigation, section 552.108 excepts from disclosure all information except that found on the first page of the offense report. *See generally Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). As a general rule, the information that can be withheld is evidentiary information and the information that must be released includes basic information about the arrested person, the arrest and the crime. Although the basic information is generally available to the public, it may be withheld in active cases if it satisfies the same test used to determine whether information in closed cases may be excepted under section 552.108. *See* Open Records Decision No. 366 (1983) at 3 (first page of offense report is not protected by Gov't Code § 552.108, except in circumstances where release of particular information would "unduly interfere with law

enforcement or crime prevention"). 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 No. 434 (1986).

You explain that the Houston Police Department considers the case to be open, as additional information is being gathered, which can lead to the filing of a formal charge. Thus, you have shown that the information at issue relates to an active case. Accordingly, you may withhold all of the requested information with the exception of the first page of the offense report.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling 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,



Mary R. Crouter
Assistant Attorney General
Open Government Section

MRC/SAB/rho

Ref: ID# 33315

Enclosures: Submitted documents

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