



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 11, 1995

Ms. J. Praba Cinclair
Assistant City Attorney
City of Dallas
City Hall
Dallas, Texas 75201

OR95-1069

Dear Ms. Cinclair:

You have asked 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# 36096.

The City of Dallas (the "city") received a request for records of a police investigation regarding an assault. You have submitted to this office for review responsive information that you contend is excepted from disclosure pursuant to section 552.108.

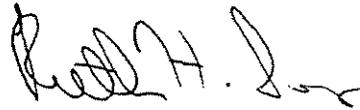
When applying section 552.108, this office distinguishes between cases that are still under active investigation and those that are closed. Open Records Decision No. 611 (1992) at 2. In cases that are still under active investigation, section 552.108 excepts from disclosure all information except that generally found on the first page of the offense report. *See 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*, 586 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Section 552.108 is applicable while the case is being investigated and through prosecution. Attorney General Opinion MW-446 (1982) at 2.

Some of the submitted records contain first page type information. Although this information is generally found on the first page of an offense report, its location is not determinative. To determine what information must be released, the type of information

must be examined rather than where it is located. *See* Open Records Decision No. 127 (1976) at 5. This first page type of information must be released, but the remaining records may be withheld since you contend this an active case and that there is an ongoing police investigation into the assault.

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,

A handwritten signature in black ink, appearing to read "Ruth H. Soucy". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/rho

Ref.: ID# 36096

Enclosures: Submitted documents

cc: Ms. Stephanie Boyton
4099 McEwen Road
Dallas, Texas 75244-5044
(w/o enclosures)