



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 21, 1995

Mr. Ron M. Pigott
Assistant General Counsel
Legal Services
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR95-1279

Dear Mr. Pigott:

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# 36517.

The Texas Department of Public Safety (the "department") received a request for "all investigative reports, measurements, field notes, photographs, videotapes, and all other related documents concerning an accident in McLennan County, Texas." You have submitted the records for our review and claim that sections 552.103, 552.108, and 552.119 of the Government Code except them from required public disclosure.

Section 552.108(a) excepts from disclosure records of law enforcement agencies or prosecutors that deal with criminal investigations and prosecutions. In an open criminal case, section 552.108 exempts from disclosure all information except that normally 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." Open Records Decision No. 553 (1990) at 4 (and cases cited therein).

You state that the requested records relate to an active criminal investigation. With the exception of front page offense report information which must be released, the department may withhold the records under section 552.108.¹

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,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/rho

Ref.: ID# 36517

Enclosures: Submitted documents

cc: Mr. Wesley C. Johnson
Law Offices of Wesley C. Johnson, L.L.P.
2031 John West Road, Suite 106
Dallas, Texas 75228
(w/o enclosures)

¹As we have concluded that the department may withhold the requested information under section 552.108, we need not address whether sections 552.103 and 552.119 except the information from disclosure.