



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 18, 1995

Mr. Gary W. Smith
City Attorney
City of Greenville
P.O. Box 1049
Greenville, Texas 75403-1049

OR95-1441

Dear Mr. Smith:

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# 31573.

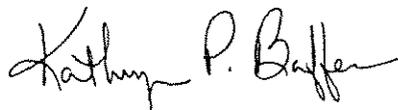
The Greenville Police Department (the "department") received an open records request for the "complete offense report" on a particular incident involving family violence. The requestor was one of the individuals involved in the disturbance. You state that the department has released a redacted version of the offense report to the requestor. You seek to withhold from the public certain witness statements contained in the report under section 552.108 of the Government Code because "[t]he release of the statement[s] could result in jeopardizing the State's case in prosecution"

You inform us, however, that the county attorney's office, which would be responsible for prosecuting the case, has previously released the entire report to the requestor. The county attorney therefore has waived any law-enforcement interest in withholding the report. We therefore conclude that the department also must release the requested information in its entirety. *See* Attorney General Opinion MW-381 (1981) (whether disclosure of particular records are protected by law-enforcement exception must be decided on a case-by-case basis).

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 regarding any other records.

If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Kathryn P. Baffes". The signature is written in a cursive style with a long horizontal flourish at the end.

Kathryn P. Baffes
Assistant Attorney General
Open Records Division

KPB/RWP/rho

Ref.: ID# 31573

Enclosures: Submitted documents

cc: Mr. Roland Doug Holmes
Rt. 3, Box 240-B
Greenville, Texas 75402
(w/o enclosures)