



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 12, 1996

Mr. Robert J. Miklos  
Assistant City Attorney  
City of Dallas  
Dallas, Texas 75201

OR96-0169

Dear Mr. Miklos:

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# 37288.

The City of Dallas (the "city") received a request for "Dallas Police Department Service Number# 0943587-D which includes an offense incident report, all supplemental reports, and a Prosecution Report." You claim that this information is excepted from disclosure under section 552.108 of the Government Code.<sup>1</sup>

Section 552.108(a) excepts from required public disclosure "information held by 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 under active investigation and those that are closed. Open Records Decision No. 611 (1992) at 2. In cases that are 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).

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<sup>1</sup>Act of May 29, 1995, 74th Leg., R.S., ch. 1035, § 7, 1995 Tex. Sess. Law Serv. 5127, 5131.

You state that the information you seek to withhold is contained in reports which are part of an "ongoing police investigation." Consequently, that information contained in the documents titled "Supplemental Report 01" which is not generally found on the first page of the offense report may be withheld under section 552.108.

On "Page 1, Supplemental Report 01" is a notation directing the release of a "1st page (cover)" on November 22, 1995. We are unclear as to whether another document known as "1st page (cover)" has previously been released, or whether the document which contains this notation is "1st page (cover)." The information generally found on the first page of the offense report includes not only that presented on "Page 1, Supplemental Report 01," but also a detailed description of the offense. *Houston Chronicle Publishing Co.*, 531 S.W.2d at 187; Open Records Decision No. 127 (1976) at 3-4. We have enclosed an excerpt from Open Records Decision No. 127 (1976) which lists the types of information that are available to the public. This excerpt is enclosed so that you may ensure that the "1st page (cover)" which you have released or which you intend to release contains all the types of information available to the public; other information contained in the documents titled "Supplemental Report 01" is excepted from required public disclosure by section 552.108.

It appears that the enclosed arrest warrant and complaint have been filed with a court. The public has a common-law right to inspect and copy judicial records. See Attorney General Opinion DM-166 (1992). Documents that are filed in the court clerk's office are available for public inspection under common law; therefore you should release the arrest warrant and complaint if they have been filed with a court. If the documents have not been filed, you should release those portions of the documents which convey information generally found on 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 is limited to the particular records at issue under the facts presented to us and is not a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref.: ID# 37288

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

cc: Mr. Jeffrey Bilich  
4616 W. Lovers Lane, #209  
Dallas, Texas 75209  
[w/ Excerpt from Open Records Decision No. 127 (1976)]

I. TYPES OF INFORMATION AVAILABLE TO THE PUBLIC

1. Arrestee's social security number, name, aliases, race, sex, age, occupation, address, police department identification number, and physical condition.
2. Offense for which suspect arrested.
3. Identification and description of complainant
4. Location of crime
5. Time of occurrence
6. Vehicle involved
7. Property involved
8. Detailed description of offense
9. Names of arresting officers
10. Date and time of arrest
11. Place of arrest
12. Details of arrest
13. Description of weather
14. Booking information
15. Court in which charge is filed
16. Notation of any release or transfer
17. Bonding information
18. Numbers for statistical purposes relating to modus operandi of those apprehended

II. TYPES OF INFORMATION PROTECTED BY SECTION 552.108 DURING PENDENCY OF CRIMINAL INVESTIGATION

1. Identification and description of witnesses
2. Synopsis of confession
3. Officer's speculation as to suspect's guilt
4. Officer's view of witness credibility
5. Statements by informants
6. Ballistics reports
7. Fingerprint comparisons
8. Blood and other lab tests
9. Results of polygraph test
10. Refusal to take polygraph test
11. Paraffin test results
12. Spectrographic or other investigative reports
13. Personal History and Arrest Record, including
  - A. Identifying numbers (such as TDC numbers)
  - B. Physical description with emphasis on scars and tattoos
  - C. Marital status and relatives
  - D. Mugshots, palm prints, fingerprints, and signature
  - E. Chronological history of any arrests and disposition

See Open Records Decision No. 127 (1976).