



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 22, 1996

Mr. Dib Waldrip  
Assistant District Attorney  
Comal County  
150 N. Seguin, Suite 307  
New Braunfels, Texas 78130

OR96-0773

Dear Mr. Waldrip:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 39664.

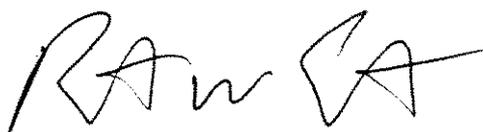
The Comal County District Attorney (the "district attorney") received a request for information provided to the Texas Rangers by the district attorney in connection with a criminal investigation. You have provided this office with a copy of the requested information and assert that this information is excepted from disclosure under sections 552.101, 552.103, 552.108 and 552.111 of the Government Code.

Section 552.108(a) excepts from 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).

You advise us that the requested information relates to an active criminal investigation. For this reason, we conclude that the district attorney may withhold the requested information under section 552.108 of the Government Code, except to the extent that it includes the type of information generally found on the first-page of an offense report.<sup>1</sup> We note that the county must release the type of information deemed public by the *Houston Chronicle Publishing Co.* case regardless of its location within an investigation file. The content of the information determines whether it must be released in compliance with the *Houston Chronicle Publishing Co.* case, not its literal location on the first page of an offense report.<sup>2</sup>

We are resolving this matter with this 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 may 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,



Robert W. Schmidt  
Assistant Attorney General  
Open Records Division

RWS/rho

Ref.: ID# 39664

Enclosures: Submitted documents  
Summary of Open Records Decision No. 127 (1976)

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<sup>1</sup>Because we find that you may withhold all of the requested information other than that deemed public in *Houston Chronicle Publishing Co.*, we do not address the other exceptions that you assert.

<sup>2</sup>We have enclosed a summary of Open Records Decision No. 127 (1976), which lists the types of information which are available to the public.