



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 12, 1996

Mr. John Steiner  
Division Chief  
City of Austin  
Law Department  
P.O. Box 1088  
Austin, Texas 78767-1088

OR96-0927

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 40216.

The City of Austin (the "city") received a request for

documents, photographs, reports, etc. which were generated as a result of [Mary Vasquez] Valdez's arrest on December 9, 1995, and include [sic] all documents and photographs created, taken, or generated on that specific day, as well as any documents or photographs which may have been created, taken or generated on subsequent days, but which pertain only to the arrest on December 9, 1995.

You state that the city has released to the requestor information that typically appears on the first page of an offense report and Ms. Valdez's "mug shot" photograph. You claim that the remainder of the requested information is excepted from disclosure under sections 552.103 and 552.108 of the Government Code. We have considered the exceptions you claimed and have reviewed the documents at issue.

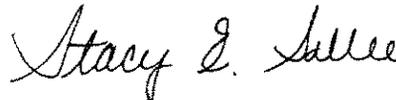
Section 552.108(a) excepts from disclosure records of law enforcement agencies or prosecutors that deal with criminal investigations and prosecutions. When applying section 552.108, this office distinguishes between cases that are still under active investigation and those that are closed. Open Records 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 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 have submitted a docket sheet to this office which shows that, at the time of the request, the case was still open, with a trial date of April 29, 1996. Therefore, with the exception of information that typically appears on the first page of an offense report, which you state has been released to the requestor, the city may withhold the remainder of the requested information.

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,



Stacy E. Sallee  
Assistant Attorney General  
Open Records Division

SES/ch

Ref.: ID# 40216

Enclosures: Submitted documents

cc: Mr. Malcolm Greenstein  
Greenstein & Kolker  
1006 East Cesar Chavez Street  
Austin, Texas 78702  
(w/o enclosures)