



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 23, 1995

Ms. Doreen E. McGookey
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
501 Police & Courts Building
Dallas, Texas 75201

OR95-462

Dear Ms. McGookey:

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# 33284.

The City of Dallas Police Department (the "department") received an open records request for records pertaining to the department's investigations into gunshots fired at or near the home of a city council member. You state that the department has released to the requestors most of the department's records relating to its investigations except for certain information identifying witnesses, which you seek to withhold pursuant to section 552.108 of the Government Code. You also seek to withhold pursuant to section 552.108 certain "gang" related information.

Section 552.108 of the Government Code, known as the "law enforcement" exception, exempts from required public disclosure:

- (a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . ;
[and]
- (b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement

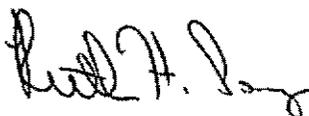
Two reasons for withholding the names of witnesses, even in the absence of a criminal prosecution,¹ are that disclosure might either (1) subject the witnesses to intimidation or harassment or (2) harm the prospects of future cooperation between witnesses and law enforcement authorities. Open Records Decision No. 252 (1980). Where it is apparent from an examination of the facts of a particular case that disclosure might either subject the witnesses to possible intimidation or harassment or harm the prospects of future cooperation between witnesses and law enforcement officers, the names of witnesses may be withheld pursuant to section 552.108. *Id.*

Given the fact that Dallas area gang members have been implicated in the shootings and that there has not yet been a final resolution of the department's investigations, we believe it reasonable to withhold at this time the names of all witnesses interviewed during the department's investigations. The department therefore may withhold pursuant to section 552.108 all of the witness information you have marked in the documents submitted to this office.

Additionally, in accordance with a prior open records ruling issued to the department, we also agree that the gang intelligence information you have submitted to this office may be withheld pursuant to section 552.108 because of the on-going nature of the department's investigation of gang activity. *See* Open Records Letter No. 94-385 (1994) (and authorities cited therein).

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,



Ruth H. Soucy
Assistant Attorney General
Open Government Section

RHS/RWP/rho

Ref.: ID# 33284

Enclosures: Submitted documents

¹You explain that the department's investigations into the shootings have been suspended.

cc: Ms. Nora Lopez
Reporter
The Dallas Morning News
Communications Center
P.O. Box 655237
Dallas, Texas 75265
(w/o enclosures)

Mr. Dave Evans
Senior Reporter
WFAA-TV
Communications Center
606 Young Street
Dallas, Texas 75202-4810
(w/o enclosures)