



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 17, 1995

Ms. J. Praba Cinclair
Assistant City Attorney
City of Dallas
City Hall
Dallas, Texas 75201

OR95-1078

Dear Ms. Cinclair:

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# 35666.

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

1. All training and teaching aids and materials used by the Dallas Police Department to train or educate police officers in field sobriety testing, the detection and interpretation of signs of intoxication and the arrest and prosecution of persons for driving while intoxicated; and
2. All written policies, procedures and standards employed by the Dallas Police Department relating to the stop, investigation, arrest and prosecution of persons for driving while intoxicated.

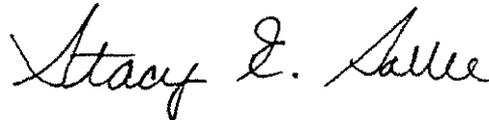
You claim that the requested information is excepted from disclosure under section 552.107(1) of the Government Code.

You did not mark the information submitted for review to indicate which portions of each document you believe to be excepted under section 552.107, nor did you provide this office with your arguments as to why the requested information should be withheld. See Gov't Code § 552.301(b). Therefore, on September 7, 1995, and again on

September 11, 1995, we asked you to submit your arguments and mark the documents to establish what information you claim is excepted from disclosure under section 552.107. To date we have not received the marked documents or your arguments. We note that it was your responsibility to show the applicability of section 552.107 to the information. Open Records Decision No. 542 (1990) at 2 ("governmental body bears the burden of stating which exceptions apply and why"). Without the information requested from you, this office is unable to evaluate the exception you raised. Consequently, we find that you have not met your burden under sections 552.301 through 552.303 of the act and that the information is presumed to be public. Open Records Decision No. 195 (1978).

In the absence of a demonstration that the information is confidential by law or that other compelling reasons exist as to why the information should not be made public, you must release the information. *Id.*; see also Gov't Code § 552.352 (the distribution of confidential information is a criminal offense). If you have any questions regarding this matter, please contact our office.

Yours very truly,



Stacy E. Sallee
Assistant Attorney General
Open Records Division

SES/rho

Ref.: ID# 35666

cc: Mr. J. Craig Jett
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