



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 11, 1997

Ms. Tatia R. Randolph  
Assistant City Attorney  
Criminal and Police Division  
City of Dallas  
Municipal Building  
Dallas, Texas 75201

OR97-0782

Dear Mr. Randolph:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 104795.

The City of Dallas (the "city") received a request for the mobile data terminal communications to or from certain element numbers, all radio communication on certain radio channels for a specified periods of time, and the itemized call report bill or statement of any kind for the cellular phone in a certain police car operated by a certain officer. You claim that the records are excepted from disclosure under sections 552.103 and 552.108 of the Government Code and have submitted a representative sample of the records to this office for review.<sup>1</sup>

Section 552.108 of the Government Code excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). The requested records relate to at least two separate incidents in which individuals were arrested and charged with the criminal offense of driving while intoxicated. You advise this office that both of these cases are currently pending criminal litigation. Having reviewed the

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<sup>1</sup>We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

records at issue, it is apparent that the records requested involve material which concern at least two pending criminal prosecutions. *Under these circumstances, we conclude that the records, with the exception of the radio logs and cards, may be withheld from disclosure under section 552.108. See Open Records Decision No. 394 (1983) at 3-4. Of course, you may choose to release all or part of records that are not otherwise confidential by law. Gov't Code § 552.007.*<sup>2</sup>

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 any questions about this ruling, please contact our office.

Yours very truly,



Jafet I. Monteros  
Assistant Attorney General  
Open Records Division

JIM/alg

Ref: ID# 104795

Enclosures: Submitted documents

cc: Mr. George R. Milner, III  
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(w/o enclosures)

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<sup>2</sup>As we address the exception under 552.108, we need not address the issues presented under 552.103 in this request.