



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 2, 1997

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

OR97-2226

Dear Ms. Randolph:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 110144.

The City of Dallas (the "city") received a request for police records concerning certain locations between 1:45 a.m. and 6:00 a.m. on July 27, 1997. You state that the city will release to the requestor the records of police calls, with the exception of calls which identify a sexual assault victim. *See* Open Records Decision No. 339 (1982). You also state that the city will release to the requestor the first page of the offense and arrest reports requested. *See Houston Chronicle Publ'g 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). You assert that the remainder of the information requested is excepted from required public disclosure based on section 552.108 of the Government Code.

The Seventy-Fifth Legislature amended section 552.108 of the Government Code to read in pertinent part as follows:

- (a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:
 - (1) release of the information would interfere with the detection, investigation, or prosecution of crime;

See Act of June 1, 1997, H.B. 951, § 1, 75th Leg., R.S. (to be codified at Gov't Code § 552.108). With the exception of one report, the requested information relates to pending criminal investigations and prosecutions. The records include public court documents that the city may not withhold from disclosure. See *Star Telegram v. Walker*, 834 S.W.2d 54 (Tex. 1992). As for the remaining information in the pending files, we find that the release of the information would interfere with the detection, investigation, or prosecution of crime and thus, it is excepted from disclosure under section 552.108(a)(1) of the Government Code. You state that the city has suspended the investigation in the theft case. You state that the city has not apprehended a suspect in the case and that the release of the offense report could "affect the manner in which future criminal investigations are conducted." On September 18, 1997, this office notified the city by facsimile transmission that, in light of the recent amendment to section 552.108, we required additional briefing on your claimed exception to disclosure under the new exception. The city did not respond to this notification. We believe that you have not established that the release of the report would interfere with the detection, investigation, or prosecution of the theft case. Consequently, the city may not withhold from disclosure the report that concerns the theft case based on section 552.108(a)(1) of the Government Code.

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,



Kay Hastings
Assistant Attorney
Open Records Division

KHH/rho

Ref.: ID# 110144

Enclosures: Submitted documents

cc: Ms. Jeanne A. Horn
6116 North Central Expressway, # 200
Dallas, Texas 75206
(w/o enclosures)