



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 14, 1997

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

OR97-2290

Dear Ms. Randolph:

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# 109531.

The City of Dallas Police Department (the "department") received a request for information regarding an investigation of a city employee. You claim that the requested information is excepted from disclosure under section 552.108(b) of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108 provides in part:

(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 or prosecution is excepted from [required public disclosure] if:

- (1) release of the internal record or notation would interfere with law enforcement or prosecution;
- (2) the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication; or
- (3) the internal record or notation:

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

(B) reflects the mental impressions or legal reasoning of an attorney representing the state.¹

You state that the requested information was “prepared specifically for internal use by [the department] in matters relating to law enforcement or prosecution.” You have not shown that the requested information would interfere with law enforcement or prosecution. Therefore, we conclude that the department may not withhold the information at issue under section 552.108.

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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Vickie Prehoditch
Assistant Attorney General
Open Records Division

VDP/alg

Ref.: ID# 109531

Enclosures: Submitted documents

cc: Ms. Pam Johnson
Operations Manager
Texas Public Workers Association
P.O. Box 300471
Arlington, Texas 76006
(w/o enclosures)

¹The Seventy-Fifth Legislature amended section 552.108. See Act of June 1, 1997, H.B. 951 § 1, 75th Leg., R.S. (to be codified at Gov't Code § 552.108).