



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 20, 1998

Ms. Tamara Armstrong
Assistant County Attorney
P.O. Box 1748
Austin, Texas 78767

OR98-0497

Dear Ms. Armstrong:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 112711.

The Travis County District Attorney (the "district attorney") received a request for "the entire file of Alford Waddell, Cause No. 97-3732, 147th District Court." You inform this office that you will release certain information that is responsive to the request, but claim that a portion of the requested information, which you have highlighted, is excepted from required public disclosure by section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the documents at issue.

Section 552.108, the "law enforcement exception," provides:

(a) [i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of 552.021 if: (1) release of the information would interfere with the detection, investigation or prosecution of crime; (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication; or (3) it is information that: (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.

(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 [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.

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

You state that, “[b]ecause the highlighted information contained in the attached Exhibit concerns gang activity, the prosecuting attorney handling this case determined that the release of such information would interfere with law enforcement or the detection, investigation or prosecution of crime.” Therefore, we find that release of the information you have highlighted would interfere with the detection, investigation or prosecution of crime, and thus, it may be withheld from disclosure under section 552.108(a)(1). The remainder of the submitted information must be released to the requestor.

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 questions about this ruling, please contact our office.

Yours very truly,



Michael A. Pearle
Assistant Attorney General
Open Records Division

MAP/ch

Ref: ID# 112711

Enclosures: Submitted documents

cc: Ms. Mollie C. Nichols
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(w/o enclosures)