



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 23, 1998

Mr. Michael Bostic  
Assistant City Attorney  
Criminal Law and Police Division  
City of Dallas  
Municipal Building  
Dallas, Texas 75201

OR98-2830

Dear Mr. Bostic:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 119793.

The City of Dallas Police Department (the "department") received a request for the complete internal affairs files of a police officer regarding an incident and other internal affairs file detailing the police officer's disciplinary history. The department released all the requested files except for the photograph of the police officer and states that the police officer has not executed a written waiver to release the photograph and thus the photograph should be withheld pursuant to section 552.119 of the Texas Government Code. We have considered the exception you claim and have reviewed the representative sample of documents submitted.<sup>1</sup>

Section 552.119 of the Government Code prohibits the release of a photograph that depicts a peace officer as defined by article 2.12 of the Code of Criminal Procedure except in certain circumstances. You have submitted a copy of a photograph of a police officer. Unless the peace officer has given his consent to release of the photograph or one of the exceptions set forth in section 552.119 applies, the department must withhold the photograph from disclosure

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<sup>1</sup>In reaching our conclusion here, 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.

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,

*David Van Brunt Price*  
David Van Brunt Price  
Assistant Attorney General  
Open Records Division

DVP/nc

Ref: ID# 119793

Enclosure: Submitted document

cc: Mr. Thomas Glover  
401 Wynnewood Village, Suite 140  
Dallas, Texas 75224  
(w/o enclosure)