



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 30, 1998

Ms. Christine Lanners  
Assistant City Attorney  
Criminal Law and Police Division  
City of Dallas  
Municipal Building  
Dallas, Texas 75201

OR98-2884

Dear Ms. Lanners:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 120083

The City of Dallas (the "city") received a request for files regarding a named individual's arrests on March 18, 1994, February 17, 1998, and July 17, 1998. You indicate that you have submitted representative samples of information responsive to the request.<sup>1</sup> You seek to withhold the requested information under section 552.108 of the Government Code.

Section 552.108(a)(1) of the Government Code exempts from required public disclosure

- (a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:

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<sup>1</sup>In reaching our conclusion, 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 No. 499 (1988), 497 (1988) (where requested documents are numerous and repetitive, governmental body should submit representative sample; but if each record contains substantially different information, all must be submitted). 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.

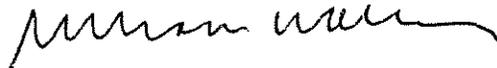
(1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]

You advise that the subject of information "was arrested on July 17, 1998 for DWI which occurred on February 17, 1998." You claim the requested information relates to a pending case which "will be set for court on September 30, 1998." The report you submitted, dated July 17, 1998, appears to relate to such case, although we understand it to indicate that the alleged conduct of driving while intoxicated occurred on that date, *i.e.*, July 17, 1998. You have submitted no information responsive to the request for information pertaining to March 18, 1994, or February 17, 1998, arrests. Under the circumstances, we do not believe that you have established that section 552.108 protects any information you may have which is responsive to the parts of the request pertaining to arrests on March 18, 1994, or February 17, 1998. Accordingly, information you have responsive to these items in the request must be released. However, based on your representations, we find that, so long as the case to which it relates is still pending, you may generally withhold the July 17, 1998, report under section 552.108(a)(1).

Section 552.108 does not, however, except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). Because you have raised no other exception to disclosure, the city must release from the July 17, 1998, report these types of information in accordance with *Houston Chronicle Publishing Company 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).

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,



William Walker  
Assistant Attorney General  
Open Records Division

WMW\cbh

Ref: ID# 120083

Enclosures: Submitted documents

cc: Mr. Merrit A. Carter  
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(w/o enclosures)