



December 1, 1999

Lieutenant Brad Lancaster  
Amarillo Police Department  
200 S E 3<sup>rd</sup>  
Amarillo Texas 79101-1515

OR99-3447

Dear Lieutenant Lancaster:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 130060.

The Amarillo Police Department (the "department") received a written request for the following information:

Any and all reports, statements, investigative materials, official notes, official records, hand-written notes and/or accident reports regarding any and all automobile accidents which occurred in Amarillo, Texas, on March 12, 1999.

You have not submitted to this office any documents that you contend are excepted from required public disclosure. See Gov't Code § 552.301(e)(1)(D). You contend, however, that because the requestor did not provide the department with certain information, all "Peace Officer Accident Reports" that would be responsive to the request must be withheld pursuant to article 6701d, V.T.C.S.

The Seventy-fifth Legislature, repealed, codified, and amended V.T.C.S. article 6701d, concerning the disclosure of "Peace Officer Accident Reports." Act of May 29, 1997, S.B. 1069, §13, 75th Leg., R.S. (to be codified at Transp. Code §550.065). However, a Travis County district court has issued a temporary injunction enjoining the enforcement of section 13 of SB 1069. *Texas Daily Newspaper Association v. Morales*, No. 97-08930 (345th Dist. Ct., Travis County, Tex., Aug. 29, 1997) (order granting temporary injunction). A temporary injunction preserves the status quo until the final hearing of a case on its merits. *Janus Films, Inc. v. City of Fort Worth*, 358 S.W.2d 589 (1962). The Supreme Court has defined the status quo as "the last, actual peaceable, non-contested status that preceded the pending controversy." *Texas v. Southwestern Bell Telephone Co.* 526 S.W.2d 526, 528 (Tex. 1975).

reports. A governmental body should always make a good faith effort to relate documents it holds with those being requested. *See, e.g.*, Open Records Decision No. 87 (1975). You have not argued that such records are excepted from public disclosure, nor have you submitted such records to this office for review. We conclude, therefore, that to the extent that the department maintains such records, those records are now presumed to be public and must be released to the requestor unless those records are made confidential by law. *See* Gov't Code §§ 552.301, .302.

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.

Sincerely,



Carla Gay Dickson  
Assistant Attorney General  
Open Records Division

CGD/RWP/nc

Ref.: ID# 130060

cc: Ms. Becky Loewenstern  
Lobby Box 223  
Amarillo, Texas 779101-2445  
(w/o enclosures)