



**THE ATTORNEY GENERAL  
OF TEXAS**

**JIM MATTOX  
ATTORNEY GENERAL**

April 3, 1990

Ms. Mary Ann Courter  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR90-128

Dear Ms. Courter:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 8798.

The Texas Department of Public Safety received an open records request for records pertaining to three incidents that resulted in the deaths of criminal suspects. You have released to the requestor some of the requested information, but seek to withhold other related documents. The department received a subsequent open records request for some of the same records. That second request also sought the personnel file of Trooper J.L. Frederick, a DPS trooper who is currently a defendant in a civil rights violation lawsuit in connection with one of the deaths.

In regard to those two requests, you may withhold all medical records, criminal history information, and parts II through V of the custodial death reports pursuant to section 3(a)(1). See Attorney General Opinion JM-851 (1988); Open Records Decision Nos. 127 (1976); 521 (1989). Memoranda from the department's attorney may also be withheld pursuant to section 3(a)(1). Open Records Decision No. 380 (1983). Photographs, home addresses, and telephone numbers of peace officers may be withheld pursuant to sections 3(a)(17) and 3(a)(19). Open Records Decision Nos. 532 (1989); 502 (1988). Finally, you may withhold pursuant to section 3(a)(3) the personnel file of Trooper J.L. Frederick, and all Ranger reports and witness statements pertaining to the death of Andrew Jackson Spruill. See generally Open Records Decision No. 493 (1988).

Because case law and prior published open records decisions resolve your request, we are resolving this matter

with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-128.

Yours very truly,



Susan Garrison  
Assistant Attorney General  
Opinion Committee

SG/RWP/le

Ref.: ID# 8798, 9219

cc: Dan Malone & Lorraine Adams  
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