



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

April 18, 1990

Mr. Donald G. Vandiver
First Assistant City Attorney
City of Lubbock
P. O. Box 2000
Lubbock, Texas 79457

OR90-147

Dear Mr. Vandiver:

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# 7579.

The City of Lubbock received an open records request for documents pertaining to certain internal affairs investigations conducted by the city's police department. We have considered the exceptions you claimed, specifically sections 3(a)(1), 3(a)(8), and 3(a)(11), and reviewed the documents at issue. We have marked the portions of the requested information that you may withhold pursuant to the common-law privacy aspect of section 3(a)(1).

A previous determination of this office, Open Records Decision No. 202 (1978), a copy of which is enclosed, resolves your request regarding the statements obtained during the investigation. You may withhold civilian witness statements only to the extent that the witnesses' identities and the content of their statements have not been revealed to the criminal suspect. The statements made by the police officers during the investigation do not come under the protection of section 3(a)(8); you may, however, withhold those marked portions of the officers' statements that consist of advice, opinion, or recommendation pursuant to section 3(a)(11). See Open Records Decision No. 350 (1982) (enclosed). Criminal history information may also be withheld pursuant to section 3(a)(8). See Open Records Decision No. 127 (1976).

All hospital records included in the investigative file must be withheld pursuant to state and federal law. See Open Records Decision No. 487 (1988). You must also withhold all photographs of police officers pursuant to

section 3(a)(19). Finally, because Exhibit J does not appear to come within the ambit of the open records request, this information may be withheld in its entirety.

We have enclosed a recent ruling from this office discussing the "good faith" effort that governmental bodies must exhibit when attempting to identify requested records. You also inquire about reference material pertaining to Open Government Laws in Texas; a list of the publications available from this office is also enclosed.

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 OR90-147.

Yours very truly,



Susan Garrison
Assistant Attorney General
Opinion Committee

SG/RWP/le

Ref.: ID# 7579

Enclosures: ORD-350, ORD-202, OR89-386,
List of Publications

cc: Ms. Lorraine Adams
Staff Writer
The Dallas Morning News
Communications Center
Dallas, Texas 75265

Mr. Paul C. Walter
Jenkins & Gilchrist
1445 Ross Avenue, Suite 3200
Dallas, Texas 75202-2711