



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 11, 1992

Mr. Charles Karakashian, Jr.
Assistant General Counsel
Texas Department of Public Safety
5805 North Lamar Boulevard-Box 4087
Austin, Texas 78773-0001

OR92-221

Dear Mr. Karakashian:

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# 15740.

You have received a request for information relating to a crime bulletin distributed by the Texas Department of Public Safety ("DPS"). Specifically, the requestor seeks "all oral and written statements in communications, and . . . any and all documents relating in any way to credible evidence or information which can legitimately substantiate and verify the information contained" in the crime bulletin. As responsive to the request, you have submitted to us for review a memorandum and its attachments submitted to the DPS Crime Analysis Section by a city police department (Exhibit C) and the "distribution unit" of the crime bulletin (Exhibit D). You claim that this information is excepted from required public disclosure by sections 3(a)(3), 3(a)(8), 3(a)(11) of the Open Records Act and that portions of it are excepted by section 3(a)(1).

Section 3(a)(8) excepts:

records of law enforcement agencies and prosecutors that deal with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies and prosecutors which are maintained for internal use in matters relating to law enforcement and prosecution.

When the "law enforcement" exception is claimed as a basis for excluding information from public view, the agency claiming it must reasonably explain, if the information does not supply the explanation on its face, how and why release would unduly interfere with law enforcement. Open Records Decision No. 434 (1986), citing *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977).

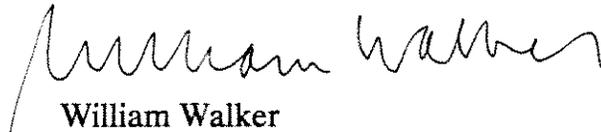
Exhibit C contains information compiled by the department in its ongoing investigation of the requestor. Exhibit D indicates the law enforcement agencies in Texas to which the crime bulletin has been distributed. You claim that

[r]elease of Exhibits C and D would warn Reverend Hamer as to what law enforcement agencies have been alerted to him. It would inform him as to what evidence has been obtained against him. It would assist him in evading detection not only for past crimes but possible future criminal activity.

We agree. Accordingly, Exhibits C and D may be withheld from required public disclosure in their entirety under section 3(a)(8) of the Open Records Act. As we resolve this matter under section 3(a)(8), we need not address the applicability of sections 3(a)(1), 3(a)(3), and 3(a)(11) at this time.

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 OR92-221.

Yours very truly,



William Walker
Assistant Attorney General
Opinion Committee

WW/GCK/lmm

Ref.: ID# 15740

cc: Rev. Stephen Daniel Hamer
Chairperson
P. O. Box 700
Benavides, Texas 78341