



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 6, 1997

Mr. Jesús Toscano, Jr.
Administrative Assistant City Attorney
City Hall
Dallas, Texas 75201

OR97-0019

Dear Mr. Toscano:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID#102800.

The City of Dallas (the "city") received a request for all records concerning the investigation of Manuel Anchondo. You claim that the requested records are excepted from required public disclosure by section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the documents at issue.

Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). In this instance, you state that the city has referred the investigation information to the proper law enforcement agency. In fact, you have shown that criminal charges concerning the investigation are now pending prosecution. Where an incident involving allegedly criminal conduct leads to investigation or prosecution, section 552.108 may be invoked by any proper custodian of information which relates to the incident. Open Records Decision Nos. 372 (1983), 474 (1987); *see also* Attorney General Opinion MW-575 (1982) at 1-2; Open Records Decision No. 493 (1988) at 2. Furthermore, the need of another governmental body to withhold the requested information may provide a compelling reason for nondisclosure under section 552.108. Open Records Decision 586 (1991). Under these circumstances, we believe that the city may withhold the requested documents under section 552.108. We additionally note that most of the requested information is also confidential by law and must not be released. *See Morales v. Ellen*, 840 S.W.2d 519 (Tex. App.--El Paso 1992, writ denied); Gov't Code § 552.352 (distribution of confidential information is criminal offense).

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,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/ch

Ref: ID# 102800

Enclosures: Submitted documents

cc: Mr. Manuel Anchondo
8814 Daytonia Avenue
Dallas, Texas 75218
(w/o enclosures)