



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 13, 1997

Ms. Felicia L. Wasson  
Assistant City Attorney  
Criminal Law and Police Division  
City of Dallas  
Municipal Building  
Dallas, Texas 75201

OR97-0344

Dear Ms. Wasson:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 103836.

The Dallas Police Department (the "department") received an open records request for copies of several offense reports, including copies of mugshots and fingerprints of the accused. You state that the department has released to the requestor the "front page offense report information" on all but one of the requested reports.<sup>1</sup> *See Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). You seek to withhold the remaining information pursuant to section 552.108 of the Government Code.

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

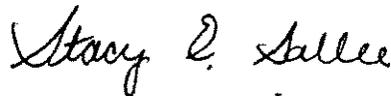
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<sup>1</sup>You state that the department has withheld from two of the records at issue information tending to identify the victim of a sexual assault. We generally agree that the identity of a victim of a sexual assault must be withheld from the general public pursuant to common-law privacy as incorporated into section 552.101 of the Government Code. *See generally* Open Records Decision No. 339 (1982). We note, however, that you have redacted the victim's identity from the records you submitted to this office for review. Consequently, it is unclear to this office whether the individual making the open records request is also the victim of the assault. If such is the case, the identifying information may not be withheld from the requestor. *See* Gov't Code § 552.023. In the future, we request that you submit only unredacted copies of documents to this office when seeking an open records decision.

Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). Because the records at issue come within the purview of section 552.108, we conclude that the department may withhold the information under this section. Although section 552.108 authorizes you to withhold the remaining information from disclosure, the department may choose to release all or part of the information at issue that is not otherwise confidential by law. *See Gov't Code § 552.007.*

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,



Stacy E. Sallee  
Assistant Attorney General  
Open Records Division

SES/RWP/ch

Ref.: ID# 103836

Enclosures: Submitted documents