



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 28, 1997

Ms. Ann Diamond
Assistant District Attorney
Tarrant County
Justice Center, 401 West Belknap
Fort Worth, Texas 76196-0201

OR97-0456

Dear Ms. Diamond:

You have asked if certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 23988.

The Tarrant County District Attorney's Office (the "district attorney") received a request for the photographs of two county jail employees investigated for using excessive force. Specifically, the requestor seeks "a copy of the mug shots and the personnel photographs of Todd Hamilton and Dale Motes." You seek to withhold the requested photographs under sections 552.101, 552.102, 552.108 and 552.119 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 Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). Gov't Code § 552.007. As the requested photographs relate to the investigation of an alleged crime, you may withhold the information under section 552.108 of the Government Code.¹

¹As we resolve this matter under 552.108 of the Government Code, we need not address the applicability of the other exceptions that you claim.

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,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/SAB/rho

Ref.: ID# 23988

Enclosures: Submitted documents
Summary of Open Records Decision No. 127

cc: Ms. Marian Conner
KXAS-TV
3900 Barnett Street
Fort Worth, Texas 76103
(w/o submitted documents)