



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 16, 1997

Ms. Vicki D. Blanton  
Assistant City Attorney  
Criminal Law and Police Division  
City of Dallas  
2014 Main Street, Room 206  
Dallas, Texas 75201

OR97-0849

Dear Ms. Blanton:

On behalf of the City of Dallas (the "city"), you ask us to reconsider Open Records Letter No. 97-0286 (1997). Your request for reconsideration was assigned ID# 105430.

The city received a request for an Internal Affairs Division ("IAD") investigation of a certain arrest. You claimed that the requested records were excepted from disclosure under sections 552.108 and 552.111 of the Government Code. In Open Records Letter No. 97-0286 (1997), we concluded that the records were presumed public because we believed that you had not provided us with copies of the open records request or the records at issue as required by section 552.301 of the Government Code.

You have now demonstrated that you did forward copies of the open records request and the records at issue to this office within the required time limits. See Gov't Code §§ 552.301, .303. Therefore, we will consider the exceptions to disclosure that you originally invoked for the IAD investigation records. You have resubmitted representative samples of the IAD records to this office for review.<sup>1</sup>

Section 552.108 of the Government Code 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).

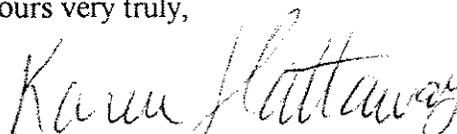
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<sup>1</sup>We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

The requested IAD records relate to allegations of police misconduct during arrests made on July 18, 1996. You state that the individuals arrested are currently facing criminal prosecution. Having reviewed the records at issue, it is apparent that the IAD investigation and the pending criminal prosecutions are interrelated and that releasing the IAD records might hinder the criminal prosecutions. Under these circumstances, we conclude that the IAD records may be withheld from disclosure under section 552.108.<sup>2</sup> Of course, you may choose to release all or part of the information in the records that is not otherwise confidential by law. 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 any questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/gle

Ref: ID# 105430

Enclosures: Submitted documents

cc: Mr. John Ochs  
5436 Northmoor  
Dallas, Texas 75217  
(w/o enclosures)

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<sup>2</sup>Because we conclude that you may withhold the requested records under section 552.108, we need not address your section 552.111 claim.