



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 9, 1998

Ms. Kenyatta Braggs
Assistant City Attorney
Criminal Law and Police Division
Municipal Building
Dallas, Texas 75201

OR98-0397

Dear Ms. Braggs:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 112697.

The City of Dallas ("city") received a request for information showing the blood-alcohol level of an individual who was arrested for driving while intoxicated. You submitted to this office a toxicology report as a representative sample of the documents responsive to the request.¹ You assert that the responsive records are protected from disclosure under section 552.108(a) of the Government Code.

Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime if when release of such information would interfere with the detection, investigation, or prosecution of crime. You submitted a letter from the prosecuting attorney to show that prosecution is pending. Since there is a pending criminal prosecution in this case, we agree that you have shown that release of the responsive records would interfere with the prosecution of crime. *Houston Chronicle Publ'g 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) (court delineates law enforcement interests that are present in active cases); *see* Open Records Decision No. 216 (1978) at 3 (release of information during pending criminal case would interfere with prosecution of crime and law enforcement interests). Thus, the city may withhold the information at issue from disclosure.

¹We 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 No. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 112697

Enclosures: Submitted document

cc: Mr. Chris Crozier
Casualty Adjuster
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Dallas, Texas 75230 - 5806
(w/o enclosures)