



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 13, 1998

Mr. Todd Ward
Assistant City Attorney
City of Dallas
Criminal Law and Police Division
Municipal Building
Dallas, Texas 75201

OR98-0708

Dear Mr. Ward:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 113285.

The Dallas Police Department (the "department") received a request for the names and addresses of all people involved in a vehicle theft case on October 16, 1997. The requested information deals with an open and unsolved vehicle theft. You assert the information is excepted from required public disclosure based on Government Code section 552.108.

Section 552.108 of the Government Code to read as follows:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication; or

(3) it is information that:

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

(B) reflects the mental impressions or legal reasoning of an attorney representing the state.

(b) An 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 is excepted from the requirements of Section 552.021 if:

(1) release of the internal record or notation would interfere with law enforcement or prosecution;

(2) the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication; or

(3) the internal record or notation:

(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

(B) reflects the mental impressions or legal reasoning of an attorney representing the state.

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

You state that the particular vehicle theft case at issue in the instant request involves an "open and unsolved vehicle theft case." We conclude that section 552.108(a)(1) of the *Government Code* excepts from required public disclosure the requested information. However, you must release the type of information that is considered to be front page offense report information. Gov't Code § 552.108(c); *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); Open Records Decision No. 127 (1976).

We are resolving this matter with this 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 may 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,

A handwritten signature in black ink, appearing to read 'Janet I. Monteros', with a horizontal line extending to the right from the end of the signature.

Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/alg

Ref.: ID# 113285

Enclosures: Submitted documents

cc: Mr. Greg Dorsey
State Farm Insurance
18333 Preston Road, Suite 350
Dallas, Texas 75252
(w/o enclosures)