



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 14, 1998

Mr. Todd Ward
Assistant City Attorney
Office of the City Attorney
2014 Main Street, Room 206
Dallas, Texas 75201

OR98-0958

Dear Mr. Ward:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 114332.

The Dallas Police Department (the "department") received a request for copies of all photographs taken at a sexual assault crime scene. You contend that the photographs are excepted from disclosure under sections 552.101 and 552.108 of the Government Code.

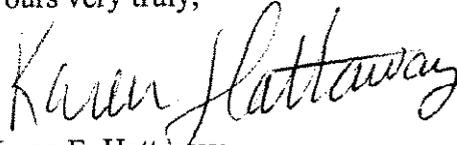
Section 552.108(a)(1) excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime." You indicate that the photographs relate to a pending criminal investigation. Based upon this representation, we conclude that the release of the photographs would interfere with the detection, investigation, or prosecution of crime. See *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). Thus, the department may withhold the photographs from disclosure pursuant to section 552.108(a)(1).¹

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

¹Because we are able to resolve this matter under section 552.108, we need not address your section 552.101 claim at this time. We note, however, that some of the photographs may also be excepted from disclosure under section 552.101. See Open Records Decision No. 339 (1982) (information that identifies sexual assault victim is protected by common-law right to privacy). Therefore, should you choose to waive your section 552.108 interest in the photographs, you should exercise caution in releasing them to the public. See Gov't Code § 552.352 (criminal penalties for public disclosure of confidential information).

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/ch

Ref: ID# 114332

Enclosures: Submitted photographs

cc: Mr. Darrell D. Joy
President
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(w/o enclosures)