



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 12, 1998

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

OR98-1446

Dear Mr. Brown:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 115764.

The Dallas Police Department (the "department") received a request for information pertaining to a hit-and-run fatality. The requestor indicates that he is specifically requesting a copy of witness statements taken during the police investigation. You assert that the witness statements are protected from disclosure under section 552.108 of the Government Code. You provided to this office representative samples of the statements.<sup>1</sup>

Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor and that deals with the detection, investigation, or prosecution of crime, when release of such information would interfere with the detection, investigation, or prosecution of crime. You assert that there is a pending criminal prosecution in this case. Since there is pending criminal prosecution, we agree that you have shown that release of the witness statements would interfere with the investigation or prosecution of crime. *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14<sup>th</sup> 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

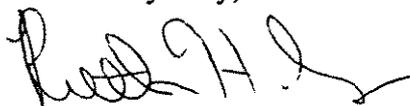
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<sup>1</sup>We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision No. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

witness statements may be withheld from disclosure under section 552.108(a)(1). We also note that the department has discretion to release all or part of the remaining information 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 questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: ID# 115764

Enclosures: Submitted documents

cc: Mr. Jonathan Polak  
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(w/o enclosures)