



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 16, 1998

Mr. Saul Pedregon  
Assistant City Attorney  
Office of the City Attorney  
Criminal Law and Police Section  
2014 Main Street, Room 206  
Dallas, Texas 75201

OR98-1484

Dear Mr. Pedregon:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 116009.

The City of Dallas (the "city") received a request for audio tapes and print-outs of all radio traffic or Mobile Digital Terminal ("MDT") transmissions dealing with a specified individual. You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108 provides in part:

(a) [i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of 552.021 if: (1) release of the information would interfere with the detection, investigation or prosecution of crime; [or] (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.

You state that the requested information pertains to the ongoing investigation and prosecution of a particular individual on the charge of unlawful carrying of a weapon. You further state that the individual is currently being prosecuted on the charge of unlawful carrying of a weapon. Additionally, you provided a letter from the Dallas County District Attorney's Office requesting that the material be held confidential and that the Open Records request not be allowed to interfere with law enforcement and crime prevention. We agree

that you may withhold the requested offense report, with the exception of the basic information. See 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) (basic information is type of information considered to be front page offense report information even if not actually located on front page of offense report).

Therefore, we conclude that, except for basic information, section 552.108(a)(1) of the Government Code exempts the requested information from public disclosure. Although section 552.108 authorizes you to withhold the information from public disclosure, you may choose to release all or part of the information at issue that is not otherwise confidential by law. See 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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Janet I. Monteros  
Assistant Attorney General  
Open Records Division

JIM/glg

Ref.: ID# 116009

Enclosures: Submitted documents

cc: Mr. Edward J. Fitzmaurice, Jr.  
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(w/o enclosures)