



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 27, 1998

Captain Robert Taylor
Amarillo Police Department
200 S.E. Third Avenue
Amarillo, Texas 79101-1514

OR98-1765

Dear Captain Taylor:

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# 117314.

The Amarillo Police Department (the "department") received an open records request for records pertaining to a particular traffic accident. You state that the department will make available to the requestor some of the requested information. You seek to withhold, however, all witness statements pertaining to the accident pursuant to section 552.108(a)(2) of the Government Code.

Section 552.108(a)(2) of the Government Code exempts from required public disclosure "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 have submitted to this office records reflecting that the prosecution of this case has been dismissed. Because the department's investigation did not result in a conviction or deferred adjudication, we conclude that you have met your burden of establishing the applicability of section 552.108(a)(2) to the witness statements. The department therefore may withhold these records pursuant to section 552.108(a)(2).¹

¹Although you specifically state that the department will make available to the requestor a copy of the accident report pertaining to this case, you have not so stated with regard to the remaining records pertaining to the accident. This ruling authorizes the withholding of only those three witness statements submitted to this office. All of the other requested records held by the department must be released.

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,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/RWP/nc

Ref.: ID# 117314

Enclosures: Submitted documents

cc: Ms. Deborah M. Peña
Paralegal/Case Coordinator
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(w/o enclosures)