



April 23, 1999

Mr. Raymond Martinez  
Assistant City Attorney  
Office of the City Attorney  
Municipal Building  
Dallas, Texas 75201

OR99-1084

Dear Mr. Martinez:

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# 123572.

The Dallas Police Department (the “department”) received an open records request for the offense reports pertaining to twenty identified service numbers. You state that responsive information has been released to the requestor, but you seek to withhold some of the information at issue pursuant to sections 552.101 and 552.108 of the Government Code.

You have submitted to this office three unrelated documents you seek to withhold. We note at the outset that one of those documents, pertaining to service number 0217495-D, does not come within the ambit of the open records request. We therefore do not address the extent to which this document is excepted from required public disclosure.

With regard to the remaining two documents, we note that you have not represented that these documents are to be considered as representative of other records you seek to withhold. We therefore conclude for purposes of this ruling that these two records are the only records you seek to withhold in response to the request and will rule accordingly.

You seek to withhold “criminal history information” pursuant to section 552.101 of the Government Code, which protects “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” *See generally* Gov’t Code chap. 411. However, none of the information before us constitutes criminal history information. We therefore have no basis on which to conclude that the requested information may be withheld on these grounds.

You also seek to withhold the information at issue pursuant to section 552.108 of the Government Code, which excepts from required public 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 have informed us that the two records at issue pertain to pending criminal investigations or prosecutions. We therefore conclude that you have met your burden of establishing that the release of the list of witnesses in Service No. 0339187-D and the “Cause of Death” report for Service No. 308881-D could interfere with law enforcement. The department therefore may withhold these two records at this time pursuant to section 552.108(a)(1).<sup>1</sup> The department must release all of the remaining requested information if it has not already done so.<sup>2</sup>

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.

Sincerely,



Kay Hastings  
Assistant Attorney General  
Open Records Division

KHH/RWP/ch

Ref.: ID# 123572

encl. Submitted documents

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<sup>1</sup>The “Cause of Death” report specifically references that an autopsy was performed. However, it not clear to this office that this report is considered part of the autopsy report. Autopsy reports are specifically made public information under article 49.25, section 11, of the Code of Criminal Procedure. In reaching our conclusion here, we assume the “Cause of Death” report is not a part of the public autopsy report.

<sup>2</sup>We note that you have submitted with your request a letter from the office of the Dallas County District Attorney requesting that all of the requested information be withheld. The district attorney’s office does not, however, raise any exception to public disclosure or otherwise explain why the requested information should not be released to the public.

cc: Mr. Karim Vellani  
Threat Analysis Group  
1043 White Sands Road  
Katy, Texas 77450  
(w/o enclosures)