



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

April 23, 2020

Ms. Sylvia McClellan  
Assistant City Attorney  
City of Dallas  
Criminal Law and Police Division  
1400 South Lamar, 6th Floor, 6W  
Dallas, Texas 75215

OR2020-11571

Re: Request for information pertaining to report number 2550-2019<sup>1</sup>

Dear Ms. McClellan:

The Office of the Attorney General has received your request for a ruling and assigned your request ID# 823938 (D034196-111919).

After reviewing your arguments and the submitted information, we have determined your request does not present a novel or complex issue. Thus, we are addressing your claims in a memorandum opinion. You claim the submitted information may be withheld from public disclosure pursuant to section 552.108(a)(1) of the Government Code on behalf of the district attorney's office.<sup>2</sup> Further, you inform this office the district attorney's office objects to the disclosure of the information because it relates to an ongoing criminal case and release would interfere with the case. Thus, we conclude you may withhold the submitted information pursuant to section 552.108(a)(1) on behalf of the district attorney's office.

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<sup>1</sup> As you failed to submit a copy of the request for information, we take this description from your brief.

<sup>2</sup> We note the city did not comply with section 552.301 of the Government Code in requesting a ruling from this office. *See* Gov't Code § 552.301(b), (e). Nonetheless, because the need of a governmental body, other than the governmental body that failed to timely seek an open records decision, to withhold information under section 552.108 of the Government Code can provide a compelling reason to overcome the presumption of openness caused by a failure to comply with section 552.301. *See id.* §§ 552.007, .302; Open Records Decision Nos. 586 (1991), 150 at 2 (1977). Thus, we will consider the arguments of the Dallas County District Attorney's Office (the "district attorney's office") under section 552.108, notwithstanding the city's violations of section 552.301 in requesting this ruling.

For more information on the cited exception, please refer to the open government information on our website at <https://www.texasattorneygeneral.gov/open-government/governmental-bodies/open-records-memorandum-rulings>. You may also contact our Open Government Hotline at 1-877-OPENTEX.

Enc. Submitted documents

c: Requestor  
(w/o enclosures)