January 25, 1999

OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

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JOHN CORNYN
Attorney General

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Ms. Sharon R. Sela
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
Municipal Bldg
Dallas, Texas 75201

OR99-0226

Dear Ms. Sela:

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# 121437.

The Dallas Police Department (the "department") received an open records request for all 911 call sheets, offense reports, and incident reports pertaining to calls for police service at 3911 Cedar Spring Road during a particular time period. You state that the department will release to the requestor all records pertaining to "cases that have convictions." You explain, however, that three offenses are currently pending prosecution. You also state that all other reports "have not resulted in a conviction or deferred adjudication." You seek to withhold the requested offense and incident reports pursuant to section 552.108 of the Government Code.

Section 552.108(a)(1) of the Government Code 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[.]" Based on your representation that the records before us have not resulted in a conviction or deferred adjudication," we presume that all of the records at issue pertain to pending criminal investigations. *Compare* Gov't Code § 552.108(a)(2) (excepting from public disclosure records of investigations "that *did* not result in conviction or deferred adjudication" (emphasis added)). Given this presumption, we conclude that you have met your burden of establishing that the release of the information at issue could interfere with law enforcement. The department therefore

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may withhold most of the information at issue at this time pursuant to section 552.108(a)(1).

Section 552.108 does not, however, except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). Because you have raised no other exception to disclosure, the department must release these types of information to the requestor in accordance with *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).

You also inquire whether the department must release the requested 911 call reports. We believe that a prior ruling, Open Records Letter No. 98-2551 (1998), answers your questions concerning originating telephone numbers and addresses on 911 call reports. You may rely upon Open Records Letter No. 98-2551 as a previous determination on this issue under section 552.301 of the Government Code and thus need not ask this office again for a decision concerning these types of records.

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,

Karen Hattaway

Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/RWP/ch

Ref.: ID# 121437

Enclosures: Submitted documents; Open Records Letter No. 98-2551 (1998)

cc: Mr. Jason Salamore
1717 Main St.
Dallas, Texas 75201
(w/o enclosures; w/Open Records Letter No. 98-2551 (1998))