



April 13, 2000

Ms. J. Middlebrooks
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
2014 Main, Room 501
Dallas, Texas 75201

OR2000-1471

Dear Ms. Middlebrooks:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 134494.

The Dallas Police Department (the "department") received a request for the police department's fleet management database for all marked, unmarked, and non-fleet cars. You assert that public information will be released to the requestor. You claim that certain portions of the requested information are 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, the "law enforcement exception," provides:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

(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 . . .

(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from the requirements of section 552.021 if:

(1) the release of the internal record or notation would interfere with law enforcement or prosecution;

(2) the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication

Gov't Code § 552.108(a)(1)-(2), b(1)-(2). When a governmental body claims section 552.108(b), it must demonstrate how release of the information would interfere with law enforcement, if the information does not supply that explanation on its face. Open Records Decision No. 434 at 3 (1986). You assert that the submitted information lists identifiers of all covert vehicles used by the department to investigate crime in undercover capacities and, therefore, release of the information could compromise the department's covert operations and endanger the lives of undercover officers. Based on your representations, we conclude that release of portions of the submitted information would interfere with law enforcement. *See* Open Records Decision No. 211 at 4 (1978) (finding that undercover work excepted from disclosure under predecessor of section 552.108). We have marked the information relating to covert vehicles that you may withhold under section 552.108.

You also assert that section 552.108 protects from disclosure the mobile telephone numbers assigned to a particular police vehicle. You assert that release of the mobile telephone numbers could lead to interference with the officer's ability to perform his job duties. In Open Records Decision No. 506 (1998), this office determined that section 552.108 protects from disclosure the telephone numbers of officials with law enforcement responsibilities. Thus, we agree that the mobile telephone numbers may be withheld from disclosure under section 552.108.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the

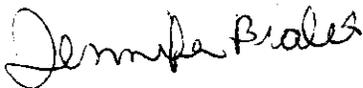
governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Jennifer Bialek
Assistant Attorney General
Open Records Division

JHB/ch

Ref: ID# 134494

Encl. Marked documents

cc: Mr. Dave Michaels
Dallas Morning News
P.O. Box 655237
Dallas, Texas 75265
(w/o enclosures)