



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 28, 2008

Ms. J. Middlebrooks  
Assistant City Attorney  
City of Dallas  
Criminal Law and Police Section  
1400 South Lamar  
Dallas, Texas 75215

OR2008-05651

Dear Ms. Middlebrooks:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 309131.

The Dallas Police Department (the "department") received a request for all documents related to suspected arson cases that occurred within the past six months on four specified streets. You claim that the submitted information is excepted from disclosure under sections 552.101, 552.108, and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note that you have only submitted portions of the requested documents. Therefore, we assume you have released the remaining portions of the requested documents. If you have not released this information, you must release it at this time. *See* Gov't Code §§552.301(a), .302; *see also* Open Records Decision No. 664 (2000) (if governmental body concludes that no exceptions apply to requested information, it must release information as soon as possible). We will however, address the exceptions you claim for the information you have submitted.

Section 552.108(a) excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if: (1) release of the information would interfere with the detection, investigation, or prosecution

of crime.” Gov’t Code § 552.108(a)(1). Generally, a governmental body claiming section 552.108 must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See* Gov’t Code §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You claim that incident numbers 004266-V, 0041993-V, and the ten pages of information concerning the arson cases relate to a pending criminal investigations by the department. It also appears that the single page of Texas motor vehicle information is related to the pending arson investigations. You also state that incident number 0041974-V relates to a pending prosecution. Based upon your representations and our review, we agree that release of incident numbers 004266-V, 0041993, 0041974-V, the ten pages of information concerning the arson cases, and the single page with Texas motor vehicle information would interfere with the detection, investigation, or prosecution of crime. *See 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) (court delineates law enforcement interests that are present in active cases).

Section 552.108, as you acknowledge, does not except from disclosure “basic information about an arrested person, an arrest, or a crime.” Gov’t Code § 552.108(c). Section 552.108(c) refers to the basic front-page information held to be public in *Houston Chronicle*. *See* 531 S.W.2d at 186-187; *see also* Open Records Decision No. 127 (1976) (summarizing types of information considered to be basic information). Basic information includes the identification and description of the complainant, but does not include the identification and description of witnesses or the identity of a suspect who has not been arrested. *See* 531 S.W.2d at 187; ORD 127. Thus, with the exception of the basic front page offense information, the department may withhold the submitted portions of incident numbers 004266-V, 0041993, and 0041974-V, the ten pages of information concerning the arson cases, and the single page with Texas motor vehicle information from disclosure based on section 552.108(a)(1).<sup>1</sup>

Next, the department asserts that the computer aided dispatch (“CAD”) report for incident number 2008027188 contains an originating telephone number of a 9-1-1 caller, which it claims is confidential by law. Section 552.101 of the Government Code excepts from disclosure “information considered to be confidential by law, either constitutional, statutory, or by judicial decision.” Gov’t Code § 552.101. This exception encompasses information that other statutes make confidential, such as chapter 772 of the Health and Safety Code, which relates to local emergency communications districts. Section 772.318 applies to an emergency 9-1-1 district established in accordance with chapter 772, and makes confidential the originating telephone numbers and addresses of 9-1-1 callers that are furnished by a service supplier. *See* Open Records Decision No. 649 (1996). We understand the City of Dallas to be part of an emergency communication district that was established under

---

<sup>1</sup>As our ruling is dispositive as to this information, we need not address your remaining arguments against disclosure.

section 772.318, and that the 9-1-1 caller's telephone number was provided by a 9-1-1 service provider.<sup>2</sup> Thus, based on your representations and our review, we determine that the telephone number you have marked in the CAD report is excepted from public disclosure under section 552.101 in conjunction with section 772.318 of the Health and Safety Code. The remaining information in the CAD report must be released.

In summary, with the exception of basic information, the department may withhold incident numbers 004266-V, 0041993, 0041974-V, the ten pages of information concerning the arson cases, and the single page with Texas motor vehicle information based on section 552.108(a)(1) of the Government Code.<sup>3</sup> The department must withhold the originating telephone number in the CAD report under section 552.101 in conjunction with section 772.318 of the Health and Safety Code. The remaining information in the CAD report must be released.

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 file suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such a challenge, 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, upon receiving this ruling, the governmental body will either release the public records promptly pursuant to section 552.221(a) of the Government Code or file a lawsuit challenging this ruling pursuant to section 552.324 of the Government Code. If the governmental body fails to do one of these things, then the requestor should report that failure to the attorney general's Open Government Hotline,

---

<sup>2</sup>Section 772.318 applies to an emergency communication district for a county with a population of more than 20,000.

<sup>3</sup>We note that you have the discretion to release all or part of this information that is not otherwise confidential by law. Gov't Code § 552.007.

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 challenge that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Office of the Attorney General at (512) 475-2497.

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,



Laura E. Ream  
Assistant Attorney General  
Open Records Division

LER/jb

Ref: ID# 309131

Enc. Submitted documents

c: Mr. Scott Goldstein  
Staff Writer  
The Dallas Morning News  
P.O. Box 655237  
Dallas, Texas 75265  
(w/o enclosures)