



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 29, 2010

Mr. Samuel Hawk  
Assistant City Attorney  
City of Dallas  
Criminal Law and Police Division  
1400 South Lamar  
Dallas, Texas 75215

OR2010-09589

Dear Mr. Hawk:

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# 384686.

The Dallas Police Department (the "department") received a request for: 1) police mobile data transmissions from March 31, 2010 involving officers responding to a specified address, 2) audio and printed dispatch 9-1-1 calls relating to incident number 0087169-X and calls to a specified address from March 28, 2010 to March 31, 2010, 3) report numbers 0087169-X 0087173X, and 0087170X, and 4) reports relating to calls to a specified address between March 28, 2010 to March 31, 2010 involving a named individual. You claim the submitted information is excepted from disclosure under sections 552.108 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108(a)(1) of the Government Code excepts from 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[.]" Gov't Code § 552.108(a)(1). A governmental body claiming section 552.108(a)(1) must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). Some of the submitted

information directly pertains to a shooting incident which is the subject of report numbers 0087169 and 0087170. Based on your representations and our review, we agree the release of the audio recordings and offense and incident reports relating to the shooting, as well as the law enforcement records pertaining to alleged criminal acts between the victim and suspect in the hours prior to the shooting, would interfere with the detection, investigation, or prosecution of this 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., 536 S.W.2d 559 (Tex. 1976) (per curiam) (court delineates law enforcement interests that are present in active cases). Thus, section 552.108(a)(1) is applicable to the information we marked.

We note, and you acknowledge, section 552.108 does not except from disclosure basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). Such basic information refers to the information held to be public in *Houston Chronicle*. See 531 S.W.2d at 186-87; Open Records Decision No. 127 (summarizing types of information considered to be basic information). The requestor specifically requests report numbers 0087169 and 0087170. Therefore, with the exception of the basic information contained in those offense reports, the department may withhold the information we marked under section 552.108(a)(1) of the Government Code. You have not explained how release of the remaining information, which generally pertains to the actions of officers during the day of the incident, would interfere with the detection, investigation, or prosecution of this crime. Therefore the remaining information may not be withheld under section 552.108.

We note the remaining information contains Texas motor vehicle record information that is excepted from disclosure under section 552.130 of the Government Code. Section 552.130 excepts from disclosure information that relates to a motor vehicle operator's license, driver's license, motor vehicle title, or registration issued by a Texas agency. Gov't Code § 552.130(a)(1), (2). The department must withhold the Texas driver's license numbers, license plate numbers, license plate years, and vehicle identification numbers we marked under section 552.130.<sup>1</sup>

In summary, with the exception of basic information, the department may withhold the information we marked under section 552.108(a)(1) of the Government Code. The department must withhold the Texas driver's license numbers, license plate numbers, license plate years, and vehicle identification numbers we marked under section 552.130. The remaining information must be released.

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<sup>1</sup>We note this office recently issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including a Texas driver's license number and a Texas license plate number under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision.

This letter ruling is limited to the particular information 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 information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Jessica Eales  
Assistant Attorney General  
Open Records Division

JCE/eeg

Ref: ID# 384686

Enc. Submitted documents

c: Requestor  
(w/o enclosures)