



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 1, 2011

Mr. Vince Ryan
County Attorney
Harris County
1019 Congress, 15th Floor
Houston, Texas 77002

OR2011-11036

Dear Mr. Ryan:

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# 425910 (C.A. File No. 11PIA0147).

The Harris County Sheriff's Office (the "sheriff") received a request for the 9-1-1 recordings regarding the events surrounding a specified incident. You claim the submitted call slip and 9-1-1 recordings are excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note the submitted call slip is not responsive to the request. This decision does not address the public availability of the non-responsive information and that information need not be released in response to the present request.¹

Section 552.108 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 must reasonably explain how and why section 552.108 is applicable to the information

¹As our ruling is dispositive, we need not address your argument under section 772.318 of the Health and Safety Code.

at issue. *See id.* § 552.301(e)(1)(A); *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). The sheriff states the 9-1-1 recordings pertain to an open criminal investigation. Based on these representations and our review, we conclude the release of this information will interfere with the investigation 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) (court delineates law enforcement interests that are present in active cases), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, the sheriff may withhold the 9-1-1 recordings under section 552.108(a)(1) of the Government Code.

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, 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,



Kenneth Leland Conyer
Assistant Attorney General
Open Records Division

KLC/eb

Ref: ID# 425910

Enc. Submitted documents

c: Requestor
(w/o enclosures)