



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

January 17, 2012

Ms. Cheryl K. Byles  
Assistant City Attorney  
City of Fort Worth  
1000 Throckmorton Street  
Fort Worth, Texas 76102

OR2012-00755

Dear Ms. Byles:

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# 443305 (Fort Worth PIR No. W012785).

The City of Fort Worth (the “city”) received a request for 911 call logs for September 10, 2011 and October 25 and 26, 2011, police reports for a specified fire and burglary, any similar calls or reports near the location of the specified fire and burglary during the same time frame, records of suspicious activity in a specified area during the relevant time period, photographs from the police department or fire department related to the specified police reports, and department investigation reports, updates, evidence lists, or other documents related to the specified fire and burglary. You state some information, including basic information related to the burglary, has been released to the requestor. You claim the submitted audio recordings 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(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 id.* § 552.301(e)(1)(A); *Ex parte*

*Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state, and provide a supporting affidavit, the information related to the specified burglary is part of an ongoing criminal investigation by the Fort Worth police department. Based upon this representation, we conclude the release of information related to the burglary 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) (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). Accordingly, the city may withhold information related to the burglary under section 552.108(a)(1) of the Government Code. However, you do not state the recordings pertaining to the fire are the subject of an ongoing investigation or that their release would interfere with the detection, investigation, or prosecution of crime. Therefore, the MP3 file titled “Fire” on the submitted disc may not be withheld under section 552.108(a)(1) of the Government Code. As you raise no further exceptions to disclosure, the remaining information must be released.

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 Marsh  
Assistant Attorney General  
Open Records Division

JM/em

Ref: ID# 443305

Enc. Submitted documents

c: Requestor  
(w/o enclosures)