

January 13, 1999



OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

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Ms. Lisa Aguilar
Assistant City Attorney
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR99-0097

Dear Ms. Aguilar:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121052.

The Corpus Christi Police Department (the "department") received a request for "a transcript of the call from Jacob 'Jake' Roth to police on the night of Sept. 28." You state that the department does not have a transcript of the call, but does have a tape recording of the call itself and a printout of the dispatch record relating to the call. You contend that the tape recording and the dispatch record are protected from disclosure under section 552.108 of the Government Code.

Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor and that deals with the detection, investigation, or prosecution of crime, when release of such information would interfere with the detection, investigation, or prosecution of crime. Section 552.108(c) provides that basic offense report information is not protected from disclosure under section 552.108. Basic information is the type of information that is generally included on the front page of an offense report. *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177, 186-87 (Tex. Civ. App.—Houston [15th Dist.] 1975), writ ref'd n.r.e. per curiam, S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Basic information includes police log information showing the types of calls responded to by the police. Open Records Decision No. 394 at 3 (1983).

Based on your assertion that the tape recording is related to a pending investigation and prosecution, we agree that the tape recording may be withheld from disclosure under section 552.108(a)(1). Open Records Decision No. 216 at 3 (1978) (release of information during pending criminal case would interfere with prosecution of crime and law enforcement interests). However, the dispatch record is basic information that may not be withheld from disclosure under section 552.108. Gov't Code § 552.108(c).

You have also asserted that the tape recording and dispatch record may be withheld from disclosure under section 552.103 of the Government Code. As the tape recording is protected from disclosure under section 552.108(a)(1), we need not address the applicability of section 552.103 to this record. As for the dispatch record, it is basic, front page type information that may not be withheld from disclosure under either section 552.108 or section 552.103. Open Records Decision No. 597 at 3 (1991). Thus, the dispatch record must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 121052

Enclosures: Submitted documents

cc: Ms. Novelda Sommers
Corpus Christi Caller Times
P.O. Box 9136
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(w/o enclosures)