



March 1, 1999

OR99-0597

Ms. Sharon Sela  
Assistant City Attorney  
Office of the City Attorney  
Municipal Building  
Dallas, Texas 75201

Dear Ms. Sela:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 122345.

The Dallas Police Department (the "department") received a request for 911 service call reports and offense reports pertaining to two addresses and three complainants. Initially, we note that Open Records Letter No. 98-2551 (1998) addressed the issue of the city's release of the telephone numbers and addresses on 911 call reports. You informed us that you released information in accordance with Open Records Letter No. 98-2551. You contend that portions of the information must be withheld pursuant to section 261.201(a) of the Family Code in conjunction with section 552.101 of the Government Code and section 552.108 of the Government Code. We have considered the exceptions you claim and have reviewed the documents at issue.

Information is excepted from the disclosure requirement by section 552.101 "if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 261.201 of the Family Code is a statute establishing certain information as confidential. It reads in pertinent part:

(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

(2) except as otherwise provided in this section, the files, reports, records, communications, audiotapes, videotapes, and working papers used or developed in an investigation under

this chapter or in providing services as a result of an investigation.

We are of the opinion that service numbers 0638632-G and 0735373-G relate to allegations of child abuse under chapter 261 of the Family Code and are therefore confidential by statute. As you have not cited any specific rule that the department has adopted with regard to the release of this type of information, these records are confidential in their entirety. *See Open Records Decision No. 440 at 2 (1986)*. Accordingly, the department must not release this requested information.

Next, you contend that the remaining offense reports consist of cases in which there have been no convictions or pleas of deferred adjudication and these reports must be withheld pursuant to section 552.108 of the Government Code. Section 552.108 of the Government Code reads in pertinent part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime; [or]

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication [.]

You indicate that the district attorney's office is considering criminal charges against two persons, and you believe these files need to be withheld. In order to get the benefit of either of the provisions under section 552.108, it must be shown that there is an ongoing investigation, or that a case has concluded in a result other than a conviction or deferred adjudication. As the requested information relates to pending criminal prosecution, we find that release of service numbers 0636384-G, 0592508-G, 0860452-G, and 0556654-G would interfere with the detection, investigation, or prosecution of crime pursuant to section 552.108(a)(1). *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). Accordingly, we conclude, that except for basic information, the department may withhold the above specified service reports based on based on section 552.108(a)(1). As for service number 0865000-G, you have not shown the applicability of section 552.108. Therefore, you must not withhold service number 0865000-G under section 552.108.

Section 552.108 does not, however, except from required public disclosure “basic information about an arrested person, an arrest, or a crime.” Gov’t Code § 552.108(c). This office considers such basic information to encompass the front page offense report information the court held to be public in *Houston Chronicle*. You must release these types of information in accordance with *Houston Chronicle*.

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.

Sincerely,

*David Van Brunt Price*  
David Van Brunt Price  
Assistant Attorney General  
Open Records Division

DVP\nc

Ref: ID# 122345

Enclosures: Submitted documents

cc: Ms. Maryann Mitchell  
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(w/o enclosures)