



April 20, 2001

Mr. Steven D. Monté
Assistant City Attorney
City of Dallas
2014 Main Street, Room 501
Dallas, Texas 75201

OR2001-1582

Dear Mr. Monté:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 146248.

The Dallas Police Department (the "department") received a written request for the following information:

1. A copy of any radio transmissions, dispatches & chatter concerning the arrest of Ricky Holland on & [sic] about Jan. 13, 2001.
2. A copy of any M.D.T.'s or any computer generated and or mobil [sic] data transmissions concerning the arrest of Ricky Holland, DOB 09-20-53 on/about 01/13/01.

You have submitted to this office as responsive to the request a computer generated offense report.¹ You contend that the offense report is excepted from disclosure under section 552.108 of the Government Code.

¹Because you have not submitted any of the other requested information to this office for review, we assume that the other requested information either does not exist or that the department has released this other information to the requestor. If the department has not released the other requested information that actually exists, it must do so at this time. See Gov't Code § 552.302.

Section 552.108(a)(1) excepts from public 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.” You indicate that the information at issue relates to a pending criminal investigation. Therefore, we conclude that the department may withhold the offense report pursuant to section 552.108(a)(1) of the Government Code, with the following exception.

Section 552.108 does not except from disclosure “basic information about an arrested person, an arrest, or a crime.” Accordingly, the department must release all basic information as outlined in Open Records Decision No. 127 (1976). The remaining portions of the incident report may be withheld at this time pursuant to section 552.108(a)(1) of the Government Code.

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

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov’t Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body’s intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general’s Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental

body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the General Services Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Michael A. Pearle
Assistant Attorney General
Open Records Division

MAP/RWP/seg

Ref: ID# 146248

Encl. Submitted documents

cc: Mr. Mike Christopher
P.I.C. Investigations
P.O. Box 13087
Arlington, Texas 76094
(w/o enclosures)