



May 11, 2001

Mr. John Steiner  
Division Chief  
City of Austin  
P.O. Box 1546  
Austin, Texas 78767-1546

OR2001-1945

Dear Mr. Steiner:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your requests were assigned ID# 147088, 147167, and 147251 and have been combined for purposes of this ruling.

The City of Austin (the "city") received several written requests for records pertaining to a riot that broke out on Sixth Street on February 25, 2001. The requests encompass all incident/offense reports, 911 call records, tape recordings of police and EMS dispatches, dispatch reports, use of force reports, the names of all arrested individuals, and police videotapes of the incident. Additionally, one of the requestors has submitted a number of questions to the city relating to the riot. You state that the city has released all "basic information," where such information would be responsive to the respective requests. *See* Gov't Code § 552.108(c). You contend that the documents you submitted to our office for review are excepted from required public disclosure under sections 552.103, 552.108(a)(1), and 552.119 of the Government Code.<sup>1</sup>

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 state that all of the records you submitted to this office relate to pending criminal investigations and prosecutions. Based on your

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<sup>1</sup>In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision No. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

representation that the criminal investigations and prosecutions are still pending, we conclude that you have established that the release of most of the records at issue would interfere with law enforcement efforts. The city therefore may withhold most of the requested information pursuant to section 552.108(a)(1) of the Government Code.

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). In this regard, we believe that the requested dispatch logs are analogous to the "radio logs" that this office determined to be subject to disclosure as "front page information" under *Houston Chronicle Publishing Company 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). See Open Records Decision No. 394 (1983). Accordingly, we conclude that the city must release the requested dispatch logs in their entirety.<sup>2</sup>

Finally, we address the extent to which the city must respond to the questions posed by one of the requestors. The Public Information Act does not require a governmental body to prepare answers to questions or to do legal research. See Open Records Decision Nos. 563 at 8 (1990) (considering request for federal and state laws and regulations), 555 at 1-2 (1990) (considering request for answers to fact questions). On the other hand, a request for records made pursuant to the Public Information Act may not be disregarded simply because a citizen does not specify the exact documents he desires. A governmental body should make a good faith effort to advise the requestor of the type of documents available so that the requestor may narrow the request. See Open Records Decision No. 87 (1975).

We note that this office has previously addressed the public nature of some of this information in a prior open records letter ruling issued to the city. See Open Records Letter No. 2001-0205 (2001). The city may rely on that "previous determination" and continue to withhold those documents this office held to be excepted from required public disclosure pursuant to section 552.108. See Open Records Decision No. 673 (2001) (outlining what constitutes a "previous determination" for purposes of Gov't Code section 552.301(a)). However, the city also must release the information we previously determined was not protected by section 552.108. See Gov't Code § 552.301(f) (prohibiting governmental body from seeking open records decision concerning information previously determined to be available to the public).

With respect to the information held by the city that is responsive to the submitted questions but that was not addressed in Open Records Letter No. 2001-0205, we note that you have not submitted to this office for review any information that is responsive to the various questions received by the city or arguments as to why any responsive documents should be excepted

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<sup>2</sup>Because we resolve your request under section 552.108, we need not address your other arguments for non-disclosure except to note that "basic information" is not excepted from public disclosure under section 552.103. See Open Records Decision No. 597 (1991).

from required public disclosure. Section 552.301 of the Government Code dictates the procedure that a governmental body must follow when it seeks a decision from the attorney general as to whether requested information falls within an exception to disclosure. Among other requirements, the governmental body must submit to this office within fifteen business days of receipt of an information request “written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld” and “a copy of the specific information requested, or . . . representative samples of the information if a voluminous amount of information was requested.” Gov’t Code § 552.301(e)(1)(A), (D). Otherwise, the requested information “is presumed to be subject to required public disclosure and must be released unless there is a compelling reason to withhold the information.” Gov’t Code § 552.302. You have not provided this office with any compelling reason to withhold information responsive to the various questions. Consequently, if the city can identify records containing information responsive to the questions posed by the requestor without having to conduct legal research, the city must release the responsive information to the requestor.

In summary, the city may withhold pursuant to section 552.108(a)(1) of the Government Code all of the information you submitted to this office except for the dispatch records, which must be released under section 552.108(c). Any information the city holds that is responsive to the various questions posed by one of the requestors must be released to that requestor except to the extent this office has issued a previous determination allowing the city to withhold the information.

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

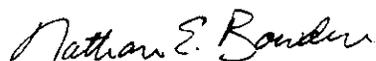
provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to 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,



Nathan E. Bowden  
Assistant Attorney General  
Open Records Division

NEB/RWP/seg

Ref: ID# 147088

Encl. Submitted documents

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