



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

November 23, 2009

Ms. Candice M. De La Garza
Assistant City Attorney
Legal Department
City of Houston
P.O. Box 368
Houston, Texas 77001

OR2009-16683

Dear Ms. De La Garza:

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# 362237.

The City of Houston Emergency Center (the "center") received a request for the 9-1-1 reports and tape for a June 23, 2009 accident at a specified address involving a named individual. You claim the submitted 9-1-1 records are excepted from disclosure under sections 552.108, 552.130, and 552.147 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, you inform this office the center was unable to locate any records regarding the named individual. You state the center considers the submitted records responsive because they involve the specified date and address. As you have made a good faith effort to relate the request to information held by the center and have identified the submitted records as being potentially responsive to the request, we will address your arguments for the submitted records. *See* Open Records Decision No. 561 at 8 (1990) (governmental body must make a good faith effort to relate a request to information held by the governmental body).

Section 552.108(a)(1) of the Government Code excepts from 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." Gov't Code § 552.108(a)(1). 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); *see also Ex*

parte Pruitt, 551 S.W.2d 706 (Tex. 1977). The submitted records involve a caller reporting a suspicious abandoned vehicle. You represent these 9-1-1 records relate to an open and active criminal investigation by the Houston Police Department regarding the theft of the same vehicle. You also state release of the submitted 9-1-1 records would interfere with the detection and investigation of that crime. Based on your representations and our review of the submitted information, we agree release of the 9-1-1 records 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), *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); *see also* Open Records Decision Nos. 474 (1987), 372 (1983) (where incident involving allegedly criminal conduct is still under active investigation or prosecution, section 552.108 may be invoked by any proper custodian of information relating to incident). Accordingly, we conclude the center may withhold the submitted 9-1-1 documents and recording pursuant to section 552.108(a)(1) of the Government Code. As our ruling is dispositive, we need not address your remaining arguments against disclosure.

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, 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,



Bob Davis
Assistant Attorney General
Open Records Division

RSD/cc

Ref: ID# 362237

Enc. Submitted documents

cc: Requestor
(w/o enclosures)