



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 3, 2015

Ms. Shannon Francis
Assistant County Attorney
County of Williamson
405 M.L.K. Street #7
Georgetown, Texas 78626

OR2015-15849

Dear Ms. Francis:

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# 573788.

The Williamson County Attorney's Office (the "county attorney's office") received a request for the probable cause affidavit and disposition form related to a specified arrest of a named individual and all 9-1-1 calls pertaining to a specified address during a specified time period. You state the county attorney's office has released some of the requested information. You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

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(a)(1) must reasonably explain how and why the release of the requested information would interfere with law enforcement. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the 9-1-1 call recordings related to 2014-12-00916 pertain to an active criminal prosecution. Based on your representation, we conclude the release of the information at issue 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) (court delineates law enforcement interests that are present in active cases), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, the county attorney's office may withhold the 9-1-1 call recordings related to 2014-12-00916 under section 552.108(a)(1) of the Government Code.

Section 552.108(a)(2) of the Government Code excepts from disclosure information concerning an investigation that did not result in conviction or deferred adjudication. *See Gov't Code* § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.301(e)(1)(A) (governmental body must provide comments explaining why exceptions raised should apply to information requested). You state the 9-1-1 call recordings related to 2014-07-00638 pertain to a closed case that did not result in conviction or deferred adjudication. Based on your representation, the county attorney's office may withhold the 9-1-1 call recordings related to 2014-07-00638 under section 552.108(a)(2) of the Government Code.

In summary, the county attorney's office may withhold the 9-1-1 call recordings related to 2014-12-00916 under section 552.108(a)(1) of the Government Code and may withhold the 9-1-1 call recordings related to 2014-07-00638 under section 552.108(a)(2) of the Government Code.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/som

Ref: ID# 573788

Enc. Submitted documents

c: Requestor
(w/o enclosures)