



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 27, 1996

Ms. Roxann Pais
Assistant City Attorney
Criminal Law and Police Division
Municipal Building
Dallas, Texas 75201

OR96-1779

Dear Ms. Pais:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 100930.

The City of Dallas Police Department (the "department") received a request for "the tape of a 911 call" associated with a certain carjacking incident, referenced as Dallas Police Service number 0545824-E. You submitted to this office for review, in response to the request, an audio tape of the 911 call. You assert that the information is excepted from disclosure under section 552.108 of the Government Code. You have also submitted to this office a letter from the Dallas County District Attorney's office. Assistant District Attorney Donald G. Davis requests that no information concerning this investigation be released. We have considered the exception you claim and have reviewed the submission at issue.

Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). After reviewing the tape recording of the 911 call, we believe that the material at issue is information of a law enforcement agency that deals with the investigation and prosecution of crime. We therefore conclude that section 552.108 of the Government Code excepts the requested information from required public disclosure, although you

may choose to release all or part of the information at issue that is not otherwise confidential by law. Gov't Code § 552.007.

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.

Yours very truly,

A handwritten signature in black ink that reads "Sam Haddad". The signature is written in a cursive style with a large, looping initial "S".

Sam Haddad
Assistant Attorney General
Open Records Division

SH/ch

Ref.: ID# 100930

Enclosures: Submitted tape

cc: Ms. Leticia Solis
736 Bimebella
Dallas, Texas 75211
(w/o enclosures)