



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 9, 1997

Ms. Doreen McGookey
Assistant City Attorney
Office of the City Attorney
City Hall
Dallas, Texas 78201

OR97-2243

Dear Ms. McGookey:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 109192.

The City of Dallas (the "city") received a request for all dispatcher communications with fire, police and ambulance, regarding a shooting at a particular address on June 25, 1997. As responsive to the request, you have submitted copies of audio tapes which you assert are excepted from disclosure pursuant to section 552.108 of the Government Code. We have considered your arguments and have reviewed the information submitted.

The Seventy-Fifth Legislature amended section 552.108 of the Government Code. Section 552.108, the "law enforcement exception," provides in part:

(a) [i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of 552.021 if: (1) release of the information would interfere with the detection, investigation or prosecution of crime; (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication; or (3) it is information that: (A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or (B) reflects the mental impressions or legal reasoning of an attorney representing the state.

You state that the requested information pertains to a pending criminal investigation and contains important information, such as suspect descriptions, which will be used in the investigation of this offense. As the requested information relates to a pending criminal investigation, we

therefore find that release of the requested information would interfere with the detection, investigation, or prosecution of crime and thus, it is excepted from disclosure under section 552.108(a)(1).

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,



Michael A. Pearle
Assistant Attorney General
Open Records Division

MAP/ch

Ref.: ID# 109192

Enclosures: Submitted tapes

cc: Mr. James Rose
KDFW Reporter
Fox 4 News
400 N. Griffin
Dallas, Texas 75202
(w/o enclosures)