



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 17, 1997

Ms. Annette Jones  
Assistant City Attorney  
City of Waco  
P.O. Box 2570  
Waco, Texas 76702-2570

OR-2315

Dear Ms. Jones:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 110002.

The Waco Police Department (the "police department") received a request for the tape of a 9-1-1 call about a shooting death. You explain that the tape concerns an ongoing investigation by the McLennan County Sheriff's Department (the "sheriff's department"):

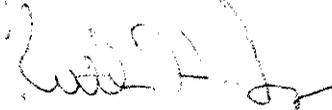
The death is being investigated by the McLennan County Sheriff's Office, which has requested that the tape of the call not be released as it could compromise their ongoing investigation. The dispatch center in the Waco Police Department serves as the main public safety answering point in McLennan County and, under a contract with McLennan County, dispatches for the Sheriff's Office. Therefore, the tape of the 9-1-1 call is in the possession of the Waco Police Department.

You assert that the 9-1-1 tape is excepted from disclosure pursuant to section 552.108.

Section 552.108(a) provides, in part, that information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from disclosure if release of that information would interfere with the detection, investigation, or prosecution of crime. You submitted to this office a letter from the sheriff's department stating that release of the tape "would compromise the ongoing investigation into this murder." We have reviewed the tape, which was submitted to this office. We agree that the police department has shown the applicability of section 552.108(a) to the 9-1-1 tape and that the tape may be withheld from disclosure.

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 any questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: ID# 11002

Enclosures: Audio tape

cc: Ms. Paula D. Carey  
KXXV-TV  
P.O. Box 1909  
Waco, Texas 76711  
(w/o enclosures)