



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 6, 1998

Mr. John Steiner  
Division Chief  
Research and Development  
City of Austin Law Department  
P.O. Box 1546  
Austin, Texas 78767-1546

OR98-0029

Dear Mr. Steiner:

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# 111923.

The Austin Police Department (the "department") received an open records request for a tape recording of a 911 call reporting a homicide. You seek to withhold the requested tape recording pursuant to sections 552.103 and 552.108 of the Government Code.

Section 552.108(a) of the Government Code, as amended by the Seventy-fifth Legislature, exempts from required public disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if (1) release of the information would interfere with the detection, investigation, or prosecution of crime . . . ." Because you have informed this office that the requested tape recording pertains to pending criminal prosecution, we conclude that you have met your burden of establishing that the release of the tape at this time would interfere with law enforcement or prosecution. You therefore may withhold the tape at this time pursuant to section 552.108(a)(1).

Because we resolve your request under section 552.108, we need not address the applicability of section 552.103. 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/RWP/ch

Ref.: ID# 111923

Enclosure: Submitted tape

cc: Mr. David Fannin  
607 West 10<sup>th</sup> Street  
Austin, Texas 78701  
(w/o enclosures)