



September 14, 1999

Mr. Don Hatcher
Chief
Leander Police Department
P.O. Box 319
Leander, Texas 78646-0613

OR99-2566

Dear Mr. Hatcher:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 128497.

The City of Leander Police Department (the “department”) received a request for “a copy of the 911 tape” in connection with a particular case. You have submitted a tape recording which you indicate is responsive to the request. You seek to withhold the tape under section 552.108 of the Government Code.

Section 552.108(a)(1) excepts from required public disclosure

(a) Information 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[.]

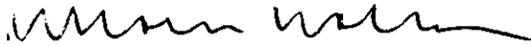
We understand you to indicate that the information at issue pertains to a pending investigation. Based on your representations, we conclude that you may withhold the requested tape under section 552.108(a)(1).

We note, however, that you state that the department has “disclosed none of the information in the case file.” Please be advised that section 552.108 does not except from required public

disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). The kinds of information that may not be withheld under section 552.108 are summarized in Open Records Decision No. 127 (1976). *See also Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

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.

Sincerely,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref: ID# 128497

Encl. Submitted documents

cc: Ms. Patricia J. Cummings, P.C.
405 Roundrock Avenue
Round Rock, Texas 78664
(w/o enclosures)