OFFICE OF THE ATTORNEY GENERAL · STATE OF TEXAS
JOHN CORNYN

November 24, 1999

Lieutenant Arturo Valdez
McAllen Police Department
1501 Pecan Boulevard
McAllen, Texas 78501

OR99-3386

Dear Lieutenant Valdez:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 131027.

The McAllen Police Department (the "department") received a request for a copy of a DWI interview tape. You claim that the copy of the interview tape is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108(a)(1) excepts from disclosure information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime if release of the information would interfere with the detection, investigation, or prosecution of crime. You state that the requested information relates to a pending criminal prosecution. Accordingly, we find that release of the requested information would interfere with the detection, investigation, or prosecution of crime. *See 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) (court delineates law enforcement interests that are present in active cases). Therefore, we conclude that you may withhold the information under section 552.108(a)(1). You state that the department has already released basic information as required by *Houston Chronicle* and section 552.108(c). *Id.*

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,

Jennifer Bialek
Assistant Attorney General
Open Records Division

JB/nc

Ref: ID# 131027

Encl. Submitted documents

cc: Mr. Jesus H. Garcia
2701 Toronto
McAllen, Texas 78503
(w/o enclosures)