



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 28, 1995

Ms. Kathleen Weisskopf
Assistant City Attorney
City of Arlington
P.O. Box 231
Arlington, Texas 76004-6878

OR95-888

Dear Ms. Weisskopf:

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# 34694.

The City of Arlington (the "city") received an open records request for a copy of a particular 9-1-1 call. You have submitted for our review an audiotape of the requested telephone call. You contend that the call is excepted from required public disclosure by sections 552.103(a) and 552.108(a) of the Government Code.

Section 552.108 excepts from required public disclosure all information related to cases under active investigation, except certain basic information ordinarily appearing on the first page of an offense report and in other records of law enforcement. *Houston Chronicle Publishing 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); Open Records Decision No. 127 (1976). You inform us that the requested audiotape is a record that the city's police department is using in its ongoing investigation of a charge of aggravated assault. After reviewing the 9-1-1 audiotape you seek to withhold, we conclude that it is excepted under section 552.108. The city may withhold the requested audiotape from disclosure.

Since the information may be withheld pursuant to section 552.108, we do not address your section 552.103(a) argument. 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 may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

*Open Government Section
of the Opinion Committee*

Ref: ID# 34694

Enclosures: Submitted audiotape

cc: Mr. Gregory W. Coon
2605 Riverhills Circle, #1301
Arlington, Texas 76006
(w/o enclosures)