



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 3, 1997

Mr. Ron M. Pigott
Assistant General Counsel
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78733-0001

OR97-1531

Dear Mr. Pigott:

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# 107611.

The Texas Department of Public Safety (the "department") received an open records request for "any and all video tape recordings related to the shooting involving the D.P.S. and Republic of Texas separatists in the Davis Mountains during the week of May 4th, 1997.) You have submitted to this office as responsive to the request a video tape recording involving the shooting death of one of the separatists who had escaped from the "Republic Embassy" into the nearby Davis Mountains. You seek to withhold this video tape pursuant to section 552.108 of the Government Code.

Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). Because the video tape comes within the purview of section 552.108, we conclude that the department may withhold this information in its entirety. The department may, of course, choose to release all or part of the video tape that is not otherwise confidential by law. *See Gov't Code § 552.007.*

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,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/RWP/rho

Ref.: ID# 107611

Enclosure: Video tape

cc: Mr. Chris Hanson
Assignment Manager
KPRC-TV
P.O. Box 2222
Houston, Texas 77252-2222
(w/o enclosure)