



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

March 3, 1998

Mr. John Steiner  
Division Chief  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767-1088

OR98-0569

Dear Mr. Steiner:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 113326.

The City of Austin (the "city") received several requests for 911 calls and dispatch information pertaining to shootings that occurred on Lake Charles Drive. You submitted to this office for review an audiotape recording, which you assert is excepted from disclosure pursuant to section 552.108 of the Government Code. Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor and that deals with the detection, investigation, or prosecution of crime, when release of such information would interfere with the detection, investigation, or prosecution of crime.

You assert that there is an active criminal investigation concerning the shootings. Based upon your assertion that there is an active criminal investigation, we agree that you have shown that release of the audiotape at issue would interfere with the investigation of crime. *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14<sup>th</sup> 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). Thus, the audiotape at issue may be withheld from disclosure pursuant to section 552.108(a)(1).<sup>1</sup>

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 on as a previous

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<sup>1</sup>We note that the city has the discretion to release the audiotape. Gov't Code § 552.007.

determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref.: ID# 113326

Enclosures: Submitted audiotape

cc: Mr. Jim Phillips  
*Austin American-Statesman*  
305 South Congress Avenue  
Austin, Texas 78704  
(w/o enclosures)

Mr. Kevin Benz  
KTBC-TV  
119 East 10<sup>th</sup> Street  
Austin, Texas 78701  
(w/o enclosures)