



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 16, 1998

Ms. E.Cary Grace
Assistant City Attorney
City of Houston
Legal Department
P.O. Box 1562
Houston, Texas 77251-1562

OR98-1467

Dear Ms. Grace:

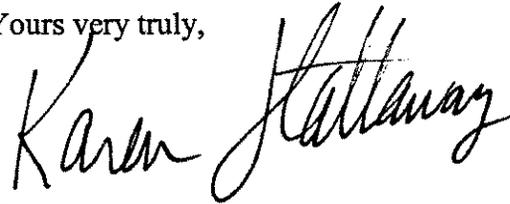
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 116628.

The City of Houston (the "city") received an open records request for the tape recordings of 911 calls pertaining to two unrelated incidents. You state that the city will release to the requestor the 911 tapes pertaining to a gas line explosion. However, you seek to withhold the other 911 calls pursuant to section 552.108 of the Government Code because they relate to a pending criminal investigation.

Section 552.108(a)(1) of the Government Code excepts from required public disclosure "[i]nformation 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." Because you have informed us that the information at issue pertains to a pending criminal investigation, we conclude that you have met your burden of establishing that the release of the requested information at this time could interfere with law enforcement or prosecution. The city therefore may withhold the 911 recording at issue pursuant to section 552.108(a)(1).

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,

A handwritten signature in black ink that reads "Karen Hattaway". The signature is written in a cursive style with a large, sweeping "K" and "H".

Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/RWP/mjc

Ref.: ID# 116628

Enclosures: Submitted documents
Submitted tape recordings

cc: Mr. James Rodriguez
Solar & Fernandes, L.L.P.
Transco Tower
2800 Post Oak Boulevard, Suite 6400
Houston, Texas 77056
(w/o enclosures)