



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 26, 1996

Mr. Jerry Bruce Cain
Assistant City Attorney
Office of the City Attorney
P.O. Box 579
Laredo, Texas 78042-0579

OR96-1537

Dear Mr. Cain:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID #100989.

The City of Laredo (the "city") received an open records request for three categories of information. You assert that the second category, the "audits . . . which served as a basis for the [c]ity's decision to suspend without pay" the requestor's client, is excepted from required public disclosure under sections 552.103, 552.108, and 552.116 of the Government Code.¹

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*, 39 Tex. Sup. Ct. J. 781, 1996 WL 325601 (June 14, 1996). You state that the audits relate to a shortage of funds which was referred to the Laredo Police Department and is currently under criminal investigation. We conclude that section 552.108 of the Government Code excepts the information you seek to withhold from required public disclosure. Of course, you may choose to release all or part of the information that is not otherwise confidential by law. Gov't Code § 552.007.²

¹As you raise no exceptions to the first and third categories of information requested, we assume that this information has been or will be released to the requestor.

²As we resolve this matter under section 552.108, we need not address your arguments against disclosure under sections 552.103 and 552.116.

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, appearing to read "Todd Reese". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Todd Reese
Assistant Attorney General
Open Records Division

RTR/rho

Ref.: ID# 100989

Enclosures: Submitted documents

cc: Mr. Jose Salvador Tellez
Law Offices of Jose Salvador Tellez
1102 Scott
Laredo, Texas 78040
(w/o enclosures)