



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 21, 1996

Mr. Leonard W. Peck, Jr.  
Assistant General Counsel  
Legal Affairs Division  
Texas Department of Criminal Justice  
P.O. Box 99  
Huntsville, Texas 77342-0099

OR96-2173

Dear Mr. Peck:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101812.

The Texas Department of Criminal Justice (the "TDCJ") received a request for information concerning the TDCJ's Robertson Unit. The requestor asked for a variety of information, but you object to releasing the following requested information:

- (1) Monthly, quarterly, bi-annual or annual evaluations, audits, reviews, surveys or any other written reports of supervisory monitoring or oversight of the Robertson Unit;
- (2) Reports, evaluations, audits or any other written material that reflect deficiencies or non-compliance of TDCJ regulations or standards, and any remedial or corrective action deemed necessary;
- (3) Unresolved, adjudicated or otherwise pending TDCJ Internal Affairs reports that pertain to the operation and/or management of the Robertson Unit.

You submitted samples of the records at issue to this office for review.<sup>1</sup> You assert that these documents are excepted from disclosure pursuant to section 552.108.<sup>2</sup> Section 552.108

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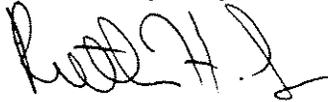
<sup>1</sup>We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision No. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

<sup>2</sup>We assume that you have already provided the other information requested to the requestor.

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). We conclude that section 552.108 of the Government Code excepts the information at issue from disclosure.<sup>3</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 upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: ID# 101812

Enclosures: Submitted documents

cc: Mr. Howard Swindle  
Assistant Managing Editor/Projects  
The Dallas Morning News  
Communications Center  
P.O. Box 655237  
Dallas, Texas 75265  
(w/o enclosures)

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<sup>3</sup>Since the information at issue may be withheld from disclosure pursuant to section 552.108, we need not address your other arguments against disclosure. We note that you may release to the requestor any of the information at issue except that which is otherwise confidential by law. *See* Gov’t Code § 552.007.