



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 2, 1996

Mr. Leonard W. Peck, Jr.  
Texas Department of Criminal Justice  
P.O. Box 99  
Huntsville, Texas 77342-0099

OR96-2278

Dear Mr. Peck:

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# 102174.

The Texas Department of Criminal Justice (the "TDCJ") received a request for specific Internal Affairs Division criminal investigative reports involving an employee alleged to have been a victim of a crime while employed within a TDCJ facility. TDCJ seeks to withhold the requested information based on sections 552.101, 552.103, 552.107, 552.108 and 552.111 of the Government Code. You enclosed representative samples of the information the department seeks to withhold.<sup>1</sup>

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 (1996). As the records at issue come within the purview of section 552.108, the requested information may be withheld.<sup>2</sup>

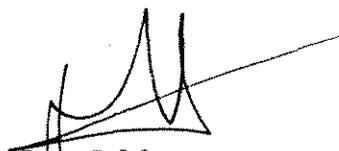
---

<sup>1</sup>In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of 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>As we resolve your request under section 552.108, we need not address the applicability of sections 552.101, 552.103, 552.107 and 552.111 of the Government Code.

We are resolving this matter with this 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 may 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 'Janet I. Monteros', written over a horizontal line.

Janet I. Monteros  
Assistant Attorney General  
Open Records Division

JIM/rho

Ref.: ID# 102174

Enclosures: Submitted documents

cc: Mr. J.M. Castillo  
Castillo Investigation Specialists, C.I.S.  
P.O. Box 1082  
Spring, Texas 77383-1082  
(w/o enclosures)