



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 18, 1997

Ms. Tana K. Van Hamme
The Ronquillo Law Firm
Harwood Center
1999 Bryan Street, Suite 3450
Dallas, Texas 75201

OR97-2790

Dear Ms. Van Hamme:

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# 111266.

The Dallas Independent School District (the "district") received a request for information regarding investigations of alleged sexual and physical abuse of students. You claim that the requested information is excepted from disclosure under sections 552.026 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the representative sample of documents.¹

Section 552.108, the "law enforcement exception," provides in relevant part as follows:

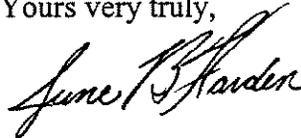
(a) [i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of 552.021 if: (1) release of the information would interfere with the detection, investigation or prosecution of crime; [or] (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication. . . .

¹We 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 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.

Generally, a governmental body claiming an exception under section 552.108 must reasonably explain, if the information does not supply the explanation on its face, how and why the release of the requested information would interfere with law enforcement. *See* Gov't Code §§ 552.108(a)(1), (b)(1), .301(b)(1); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). In this instance, you state that the documents are part of an ongoing investigation by the school district's law enforcement agency. *See* Educ. Code § 37.081. You further state that the "release of the requested information would interfere with the detection, investigation or prosecution of crime." We therefore find that the information at issue relates to a pending criminal investigation and its release would interfere with the detection, investigation, or prosecution of crime and thus, is excepted from disclosure under section 552.108(a)(1).

Because we are able to make a determination under section 552.108, we do not address your additional argument against disclosure. 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 determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/ghg

Ref.: ID# 111266

Enclosures: Submitted documents

cc: Mr. Clif Caldwell
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(w/o enclosures)