



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 30, 1996

Mr. E. McAlister Benchoff  
Benchoff & Benchoff  
P.O. Box 631063  
Nacogdoches, Texas 75962-1063

OR96-2467

Dear Mr. Benchoff:

On behalf of the Nacogdoches Independent School District (the "district"), you ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 102817.

The district received a request for copies of the following:

- Any and all memos from the superintendent to board members since June 1 relating to any investigations with the NISD maintenance department.
- Any and all completed internal investigation reports related to alleged wrongdoing by employees of the NISD maintenance department made by NISD Police Department officers since June 1.

You contend that the requested information is exempted from disclosure pursuant to sections 552.103, 552.108, and 552.111 of the Government Code.

Section 552.108 exempts 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). The requested information pertains to the district police department's investigation into the alleged criminal conduct of employees of the district's maintenance department. Therefore, the district may withhold the information from disclosure under section 552.108.<sup>1</sup> On the other hand, the district may choose to release all or part of the information that is not otherwise confidential by law. Gov't Code § 552.007.

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<sup>1</sup>Because we find that the district may withhold the requested information pursuant to section 552.108, we need not address your arguments under section 552.103 or section 552.111.

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,



Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref: ID# 102817

Enclosures: Submitted documents

cc: Mr. Robbie Goodrich  
Reporter  
The Daily Sentinel  
P.O. Drawer 630068  
Nacogdoches, Texas 75963-0068  
(w/o enclosures)