



October 18, 1999

Mr. James J. Savage
Assistant County Attorney
Harris County
1019 Congress, 15th Floor
Houston, Texas 77002-1700

OR99-2952

Dear Mr. Savage:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 128120.

Harris County (the “county”) received a request for seven categories of information relating to three named peace officers. You claim that the requested information is excepted from disclosure under sections 552.103 and 552.108 of the Government Code. You have submitted a representative sample of the responsive information to this office for review.¹ We have considered the exceptions you claim and reviewed the submitted information.

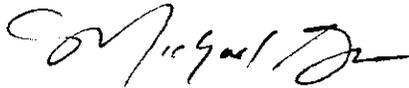
Because section 552.108 addresses all of the information responsive to this request, we shall limit this decision to discussion of that provision of the Public Information Act. Note however that release of confidential information is prohibited. *See Gov’t Code §§ 552.352, 552.117, 552.119.* Government Code section 552.108(a)(1) excepts certain information related to active cases. Texas courts have specified the information that must be released under this exception, and that which may be withheld in such cases. *See Houston Chronicle Publ’g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App. – Houston[14th Dist.] 1975),

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.

writ ref'd n.r.e. per curiam. You have supplied pleadings in a pending criminal prosecution related to the responsive information. You have also provided this office with a letter from an assistant district attorney who indicates that the subject information is related to this pending prosecution and requests that the information not be released. Section 552.108 may be invoked by the proper custodian of information relating to an investigation or prosecution of criminal conduct. Open Records Decision No. 474 at 4-5 (1987). We find that you have shown the applicability of section 552.108. *See Houston Chronicle Publ'g Co. v. City of Houston*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases); Open Records Decision No. 216 (1978); *see also* Open Records Decision No. 586 (1991) (need of another governmental body to withhold information may provide compelling reason for nondisclosure). You have demonstrated how the particular requested information specifically deals with the prosecution of crime in this case. Thus, we conclude that the requested information may be withheld under section 552.108.

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.

Sincerely,



Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 128120

Encl. Submitted documents

cc: Mr. Dick DeGuerin
DeGuerin & Dickson
1018 Preston Avenue, Seventh Floor
Houston, Texas 77002
(w/o enclosures)