



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 10, 1995

Mr. Emilio Cavazos  
Deputy Chief  
Criminal Investigations Division  
Bexar County Sheriff's Office  
200 N. Comal  
San Antonio, Texas 78207-3505

OR95-1061

Dear Deputy Chief Cavazos:

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# 35372.

The Bexar County Sheriff's Office received a request for information relating to vehicles awarded to the sheriff's office under state forfeiture guidelines. You contend that the requested information is excepted from required public disclosure under section 552.108 of the Government Code.

Section 552.108 excepts information from disclosure when the release of the records would unduly interfere with the prevention of crime and the enforcement of the law. Open Records Decision No. 553 (1990) at 4 (and cases cited therein). A governmental body claiming the "law enforcement" exception must reasonably explain how and why release of the requested information would unduly interfere with law enforcement and crime prevention. Open Records Decision No. 434 (1986) at 2-3.

You state that all of the vehicles are presently in operation and assigned to undercover narcotics officers. You contend that the release of the requested information "could lead to jeopardizing the safety of these officers as well as the integrity of their investigations." We agree. Accordingly, you may withhold the requested information under section 552.108 of the Government Code.<sup>1</sup>

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<sup>1</sup>We note that the requestor is an employee of the sheriff's office. We assume that the requestor is seeking the information in his capacity as a private citizen. The sheriff's office does not waive

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 under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Open Records Division

LRD/LBC/rho

Ref: ID# 35372

Enclosures: Submitted documents

cc: Deputy Larry Click  
Bexar County Sheriff's Office  
200 N. Comal  
San Antonio, Texas 78207-3505  
(w/o enclosures)

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(Footnote continued)

discretionary exceptions, such as section 552.108, by providing information to its employees in their official capacity. See Attorney General Opinions JM-1235 (1990) (information may be transferred from one individual to another *within* governmental body without losing its confidential status), JM-119 (1983) (member of governmental body has inherent right of access to records of that governmental body); Open Records Decision No. 468 (1987) (employee of agency whose job requires or permits certain access to records has not been granted access as member of public).