



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 21, 1996

Ms. Mercedes Leal  
Senior Assistant County Attorney  
Harris County Attorney  
1001 Preston, Suite 634  
Houston, Texas 77002-1891

OR96-1515

Dear Ms. Leal:

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# 34681.

The Harris County Constable (the "constable") received a request for "a general description of the primary function and duties assigned to [the constable's] office and deputies, as designated by jurisdictional law." Although you contend that the requestor is asking the constable to perform legal research, you have provided two records that you believe are responsive to the request. You claim that the submitted records are excepted from disclosure under section 552.108 of the Government Code.

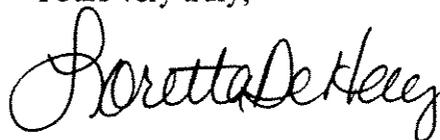
At the outset, we note that a governmental body is not required to perform legal research in response to a request. Open Records Decision No. 563 (1990). However, a governmental body must make a good faith effort to relate a request to information which it holds. Open Records Decision No. 561 (1990). We believe that in this case, you have made a good faith effort to produce responsive documents for our review. To the extent the requestor seeks information which requires additional legal research, the constable need not comply with the request.

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*, 39 Tex. Sup. Ct. J. 781,

1996 WL 325601 (June 14, 1996). You contend that the records submitted for our review are excepted from disclosure under section 552.108 "since they contain information dealing with the constable's internal procedures for detecting, investigating and prosecuting crime." We have reviewed the records submitted for our review and agree that most of the information is excepted from disclosure under section 552.108. However, we have marked a representative sample of information contained in the "Policy and Ethics Manual" which does not appear to deal with the detection, investigation, or prosecution of crime, or may not relate to law enforcement or prosecution. If this is in fact the case, you may not withhold the marked and other similar information under section 552.108. You may withhold the remaining information under section 552.108 of the Government Code.

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.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Open Records Division

LRD/rho

Ref.: ID# 34681

Enclosures: Marked documents

cc: Mr. German A. Vanegas  
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Houston, Texas 77006  
(w/o enclosures)