



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 24, 1998

Ms. Lan P. Nguyen
Asst. City Attorney
City of Houston
P.O. Box 1526
Houston, Texas 77251-1562

OR98-2001

Dear Ms. Nguyen:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 117738.

The City of Houston (the "city") received a request for "[d]ocuments detailing the purchase of all City vehicles since January 1, 1997," including "information detailing purchase date, purchase price, assignment of City personnel, and vehicle replaced by each new vehicle." You indicate that you will release all responsive information except for "information pertaining to vehicles assigned to the investigative units of the Houston Police Department" (the "department"). The information you seek to withhold contains the unit number, year, make, model, acquisition date, purchase cost, operator and department of each vehicle assigned to the investigative units of the department. You claim that this portion of the requested information is excepted from required public disclosure by section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the documents at issue.

Section 552.108 of the Government Code provides in relevant part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

(b) An 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 is excepted from the requirements of Section 552.021 if:

(1) release of the internal record or notation would interfere with law enforcement or prosecution;

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

You seek to withhold the investigative units' vehicle information because release would interfere with the detection, investigation, or prosecution of crime. You explain that the submitted material contains identifying information relating to unmarked department vehicles. You state that these vehicles are used in the detection and investigation of crime and may be used in undercover operations. You argue that "[p]ublic release of such data would potentially undermine the clandestine nature of such equipment."

You suggest that Open Records Decision No. 143 (1976) provides that the descriptions of the vehicles here need not be publicly disclosed because the equipment is used for undercover police operations. *Cf.* Open Records Decision No. 211 (1978) (information revealing identities of undercover agents may be withheld); Open Records Letter No. 94-077 (1994). Open Records Decision No. 143 held that descriptions of electronic eavesdropping equipment owned by the Dallas Police Department as well as the exact cost of the equipment was excepted from required public disclosure by the law enforcement records exception because the information revealed the investigative techniques and procedures used in clandestine law enforcement operations. Open Records Decision No. 143 (1976); *see A & T Consultants, Inc. v. Sharp*, 904 S.W.2d 668 (Tex. 1995) (section 552.108 protects investigatory records revealing law enforcement methods, techniques, and strategies); Open Records Decision No. 127 (1976), 22A (1974) (Information may be withheld where release would "reveal specific operations or equipment directly related to the investigation or detection of crime."). In a more recent decision, however, we found that the cost figures on a prosecutor's report pertaining to electronic surveillance equipment related only to the cost of using and monitoring the equipment. Open Records Decision No. 553 at 7 (1990). Therefore, because the cost information did not identify any particular type of equipment or reveal any investigative technique or procedure, the information could not be withheld under section 552.108. *Id.*

Based on the circumstances presented here, you have shown how some of the requested information may undermine the clandestine nature of the department's law enforcement techniques or strategies. Identifying the make and model of the vehicles used in undercover operations may undermine the clandestine use of that equipment. In this instance, release of the vehicles' unit number, year, acquisition date, purchase cost, operator

and department does not threaten the utility of the vehicles' clandestine value. This information does not reveal law enforcement methods, techniques, strategies, or procedures; it merely divulges the department's internal accounting of indistinct vehicles. *Compare* ORD 553 *with* ORD 143. You may withhold the make and model of the undercover vehicles because release would interfere with the detection, investigation, or prosecution of crime. Gov't Code § 552.108(b)(1).

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,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/nc

Ref: ID# 117738

Enclosures: Submitted documents

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(w/o enclosures)