



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

October 13, 2010

Ms. Jennifer C. Cohen  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR2010-15635

Dear Ms. Cohen:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 397465 (ORA # 10-1731).

The Texas Department of Public Safety (the "department") received a request for "any reports related to the approximately 10 [Ranger Reconnaissance Teams] missions, including but not limited to, incident reports, arrest reports, contact reports, seizure reports or any narratives describing mission activities from [the teams'] inception in 2009 to the present." You state the department does not possess any incident reports, arrest reports, contact reports, or seizure reports responsive to the request. You claim the requested narratives are excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered your claimed exceptions and reviewed the submitted sample records.<sup>1</sup> We have also received and considered comments submitted by the requestor. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

---

<sup>1</sup>We assume the sample records submitted to this office are 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 those records contain substantially different types of information than that submitted to this office.

Section 552.108(b)(1) of the Government Code excepts from disclosure the internal records and notations of law enforcement agencies and prosecutors when their release would interfere with law enforcement and crime prevention. Open Records Decision No. 531 at 2 (1989) (quoting *Ex parte Pruitt*, 551 S.W.2d 706, 710 (Tex. 1977)). To demonstrate the applicability of this exception, a governmental body must meet its burden of explaining how and why release of the requested information would interfere with law enforcement and crime prevention. Open Records Decision No. 562 at 10 (1990). This office has concluded that section 552.108(b) excepts from public disclosure information relating to the security or operation of a law enforcement agency. *See, e.g.*, Open Records Decision Nos. 531 (1989) (release of detailed use of force guidelines would unduly interfere with law enforcement), 456 (1987) (release of forms containing information regarding location of off-duty police officers in advance would unduly interfere with law enforcement), 413 (1984) (release of sketch showing security measures to be used at next execution would unduly interfere with law enforcement), 409 (1984) (if information regarding certain burglaries exhibit a pattern that reveals investigative techniques, information is excepted under Gov't Code § 552.108), 341 (1982) (release of certain information from Texas Department of Public Safety would unduly interfere with law enforcement because release would hamper departmental efforts to detect forgeries of drivers' licenses), 252 (1980) (Gov't Code § 552.108 is designed to protect investigative techniques and procedures used in law enforcement), 143 (1976) (disclosure of specific operations or specialized equipment directly related to investigation or detection of crime may be excepted). Generally known policies and techniques, however, may not be withheld under section 552.108. *See, e.g.*, Open Records Decision Nos. 531 at 2-3 (1989) (Penal Code provisions, common law rules, and constitutional limitations on use of force are not protected under Gov't Code § 552.108), 252 at 3 (1980) (governmental body did not meet burden because it did not indicate why investigative procedures and techniques requested were any different from those commonly known).

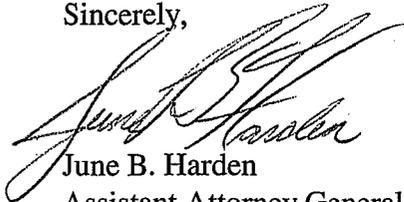
You explain, and the documents reflect, the Texas Ranger Reconnaissance Teams (the "teams") are part of Operation Border Star, a border security program made up of federal, state, and local law enforcement entities. You further explain Operation Border Star was created to detect, arrest, and prosecute narcotic smugglers and human traffickers; interdict shipments of narcotics, weapons, and money passing through the border; and cripple support structures used by criminals operating along the border. You state the responsive narratives are contained in reports summarizing and analyzing the teams' missions. You explain the narratives reveal staffing, equipment, and tactics used by the teams that if released, would allow criminals to avoid detection and anticipate weaknesses of law enforcement officers. Based on your arguments and our review of the submitted documentation, we conclude the department has demonstrated the responsive narratives are internal records of a law enforcement entity and release of this information will interfere with law enforcement and crime prevention. Accordingly, the narratives may be withheld from disclosure under

section 552.108(b)(1).<sup>2</sup> The department has the discretion, however, to release all or part of this information that is not otherwise confidential by law.

You also ask this office to issue a previous determination allowing the department to withhold reports pertaining to the teams' missions without the necessity of requesting an opinion from this office. *See* Gov't Code § 552.301(a) (allowing governmental body to withhold information subject to previous determination); Open Records Decision No. 673 (2001). We decline to issue such a previous determination at this time. This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



June B. Harden  
Assistant Attorney General  
Open Records Division

JBH/sdk

Ref: ID# 397465

Enc. Submitted documents

c: Requestor  
(w/o enclosures)

---

<sup>2</sup> Because section 552.108 is dispositive, we need not address your arguments under section 552.101.