



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

June 1, 2011

Ms. Rebecca H. Brewer
Abernathy, Roeder, Boyd & Joplin P.C.
P.O. Box 1210
McKinney, Texas 75070-1210

OR2011-07720

Dear Ms. Brewer:

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# 419158.

The Wylie Police Department (the "department"), which you represent, received a request for information regarding the shooting death of a named individual, including policies and procedures reviewed, stated, used, or adopted by the department. You state the department will release some of the requested information on payment of costs. You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the information you submitted.

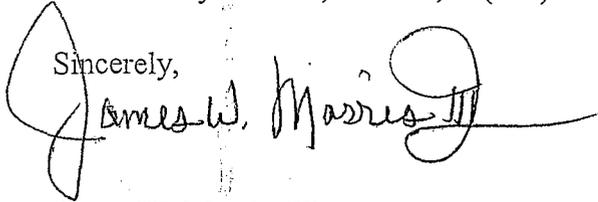
We note the submitted information was encompassed by a previous request for information, as a result of which this office issued Open Records Letter No. 2010-02912 (2010). In the previous ruling, we concluded the department may withhold some of the submitted information under section 552.108(b)(1) of the Government Code and must release the rest of the information at issue. There is no indication of any change in the law, facts, and circumstances on which the previous ruling is based. We therefore conclude the department must release or withhold the submitted information in accordance with Open Records Letter No. 2010-02912.¹ See Gov't Code § 552.301(f); Open Records Decision No. 673 at 6-7 (2001) (listing elements of first type of previous determination under Gov't Code § 552.301(a)).

¹As we are able to make this determination, we need not address your arguments against disclosure.

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, 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,

A handwritten signature in black ink that reads "James W. Morris, III". The signature is written in a cursive style with a large, looping initial "J" and a long horizontal flourish extending to the right.

James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/em

Ref: ID# 419158

Enc: Submitted documents

c: Requestor
(w/o enclosures)