



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 2, 2011

Ms. Allison Bastian  
Assistant City Attorney  
City of Brownsville  
P.O. Box 911  
Brownsville, Texas 78522-0911

OR2011-12753

Dear Ms. Bastian:

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# 428731.

The City of Brownsville (the "city") received a request for information related to the city police department's motorcycle patrol's use of radar systems. You claim that the submitted information is excepted from disclosure under section 552.108 of the Government Code.<sup>1</sup> We have considered the exception you claim and reviewed the submitted information.

Section 552.108(a)(1) of the Government Code excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]" Gov't Code § 552.108(a)(1). A governmental body claiming section 552.108 must reasonably explain how and why this exception is applicable to the information at issue. *See id.* §§ 552.108(a)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). Section 552.108(a)(1) generally only applies to information that pertains to criminal investigations or prosecutions that are currently pending. You generally state the submitted radar operation and service manual pertains to the operation and function of radar systems used by the city's police department. You do not

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<sup>1</sup>Although you raised section 552.111 of the Government Code, you did not provide any arguments regarding the applicability of this section. Therefore, we assume you have withdrawn this exception. *See Gov't Code* §§ 552.301, .302.

state this information pertains to an ongoing criminal investigation or prosecution. Furthermore, you have failed to explain how the release of the submitted information would interfere in some way with the detection, investigation, or prosecution of a particular crime. Thus, the city may not withhold any of the submitted information under section 552.108(a)(1) of the Government Code. As you raise no further exceptions against disclosure, the submitted information must be released.

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,



Vanessa Burgess  
Assistant Attorney General  
Open Records Division

VB/dls

Ref: ID# 428731

Enc. Submitted documents

c: Requestor  
(w/o enclosures)