



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

October 20, 2011

Ms. Karyna Soldatova
Assistant City Attorney
City of College Station
P.O. Box 9960
College Station, Texas 77842

OR2011-15382

Dear Ms. Soldatova:

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# 433535.

The City of College Station (the "city") received a request for the rules and regulations manual of the city's police department (the "department").¹ You state some of the requested information has been released. You claim some of 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.

The submitted information consists of the department's policy manual (the "manual") and its investigative guide for critical incidents (the "guide"). We note the manual was the subject of a previous request for information, as a result of which this office issued Open Records Letter No. 2011-07181 (2011). In the previous ruling, we concluded portions of the manual are excepted from disclosure under section 552.108(b)(1) of the Government Code. You do not indicate there has been any change in the law, facts, or circumstances on which the previous ruling is based. Therefore, to the extent the previous ruling encompasses the submitted information, the city must release or withhold any such information in accordance

¹You inform us the city received clarification of the request. *See* Gov't Code § 552.222(b) (governmental body may communicate with requestor for purpose of clarifying or narrowing request for information).

with Open Records Letter No. 2011-07181.² 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)). We note portions of the manual have been revised since the previous ruling was issued. We will consider your arguments against disclosure of those portions of the manual and of the guide, which was not at issue in the previous ruling.

Section 552.108(b)(1) of the Government Code excepts from disclosure “[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 . . . if . . . release of the internal record or notation would interfere with law enforcement or prosecution[.]” Gov't Code § 552.108(b)(1); see *City of Fort Worth v. Cornyn*, 86 S.W.3d 320, 327 (Tex. App.—Austin 2002, no pet.) (Gov't Code § 552.108(b)(1) protects information that, if released, would permit private citizens to anticipate weaknesses in police department, avoid detection, jeopardize officer safety, and generally undermine police efforts to effectuate state laws). The statutory predecessor to section 552.108(b)(1) protected information that would reveal law enforcement techniques but was not applicable to generally known policies and procedures. See Open Records Decision Nos. 531 (1989) (detailed use of force guidelines), 456 (1987) (information regarding location of off-duty police officers), 413 (1984) (sketch showing security measures to be used at next execution); compare Open Records Decision Nos. 531 at 2-3 (Penal Code provisions, common-law rules, and constitutional limitations on use of force not protected), 252 at 3 (1980) (governmental body failed to indicate why investigative procedures and techniques requested were any different from those commonly known).

You claim section 552.108(b)(1) for portions of chapters 8, 10, and 44 of the manual and for the entire guide. Having considered your arguments and reviewed the information at issue, we conclude the city may withhold the information we have marked under section 552.108(b)(1) of the Government Code. We find you have not sufficiently demonstrated that release of the remaining information at issue would interfere with law enforcement or crime prevention. We therefore conclude the city may not withhold any of the remaining information under section 552.108(b)(1).

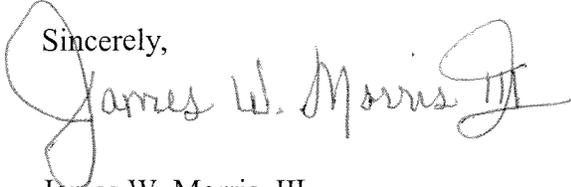
In summary, the city (1) must release or withhold the submitted information that was at issue in Open Records Letter No. 2011-07181 in accordance with the previous ruling and (2) may withhold the information we have marked in chapters 8, 10, and 44 of the manual and in the guide under section 552.108(b)(1) of the Government Code. The city must release the rest of the submitted information.

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.

²As we are able to make this determination, we need not address your arguments for the information encompassed by the previous ruling.

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, looped initial "J".

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

JWM/em

Ref: ID# 433535

Enc: Submitted documents

c: Requestor
(w/o enclosures)