



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 3, 2012

Mr. Jason M. Rammel  
Sheets & Crossfield, P.C.  
309 East Main Street  
Round Rock, Texas 78664-5246

OR2012-04791

Dear Mr. Rammel:

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# 449498.

The Elgin Police Department (the "department"), which you represent, received a request for all records related to the department's drug sniffing canine including records regarding the purchase and training location of the canine, the location of a named officer's training to use the canine, the number of alerts and searches by the canine over the past two years, and policies and procedures regarding the manner in which the canine alerts officers. 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 submitted information.

Initially, we note you have not submitted information related to the department's purchase of the canine. To the extent this information existed on the date the department received the request, we assume the department has released it. *See* Open Records Decision No. 664 (2000) (if governmental body concludes no exceptions apply to requested information, it must release information as soon as possible). If the department has not already released such information, it must do so at this time. *See* Gov't Code §§ 552.301(a), .302.

Next, we note you have submitted a document that is not related to the canine as well as documents relating to alerts and searches by the canine outside the two-year time frame specified in the request. Such information, which we have marked, is not responsive to the

present request. This ruling does not address the public availability of the non-responsive information and such information need not be released in response to this request.

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[.]” *Id.* § 552.108(a)(1). A governmental body must reasonably explain how and why section 552.108 is applicable to the information at issue. *See id.* § 552.301(e)(1)(A); *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the submitted information, which consists of the training, veterinary, and performance records of a narcotics detection canine, relates to an ongoing criminal investigation involving the canine. You state that evidence discovered by the canine is potential evidence in the prosecution of the requestor’s client, and release of the information would hamper the investigative and prosecutorial efforts of the department. Upon review, we agree release of the responsive information would interfere with the detection, investigation or prosecution of crime. *See Houston Chronicle Publ’g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975) (court delineates law enforcement interests that are present in active cases), *writ ref’d per curiam*, 536 S.W.2d 559 (Tex. 1976). Accordingly, the department may withhold the responsive information under section 552.108(a)(1) of the Government Code.<sup>1</sup>

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,



Jessica Marsh  
Assistant Attorney General  
Open Records Division

JM/em

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<sup>1</sup>As our ruling is dispositive, we do not address your remaining argument under section 552.108(b)(1) of the Government Code.

Ref: ID# 449498

Enc. Submitted documents

c: Requestor  
(w/o enclosures)