



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 20, 2012

Mr. Richard R. Gore  
Assistant Criminal District Attorney  
Randall County Criminal District Attorney's Office  
Randall County Justice Center  
2309 Russell Long Boulevard, Suite 120  
Canyon, Texas 79015

OR2012-05650

Dear Mr. Gore:

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# 451166.

The Randall County Sheriff's Office (the "sheriff's office") received a request for information from January 2011 to the date of the request pertaining to segregation at the Randall County Jail and Immigration and Customs Enforcement detainees held in segregation. First, the sheriff's office states it has sent the requestor a cost estimate for information responsive to the request for a list of infractions that are disciplined with segregation. Thus, the sheriff's office need not respond to this category of the request at this time. *See* Gov't Code § 552.263 (if agency requires deposit or bond for payment of anticipated costs for preparation of copy of public information after providing requestor with cost estimate, agency is considered to have received request for information on date it receives deposit or bond payment). Should the requestor respond to the cost estimate, the sheriff's office must seek a ruling from this office before withholding any information from the requestor. Also, the sheriff's office states it has released some information, does not have information regarding detainees placed in segregation during the specified time period, and claims the submitted information regarding the number of jail personnel assigned to segregation and plans showing the layout of the segregation area of the jail are excepted from

disclosure under section 552.108(b)(1) of the Government Code. We have considered the exception the sheriff's office claims and reviewed the submitted information.

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. *Id.* § 552.108(b)(1); *see also* Open Records Decision No. 531 at 2 (1989) (quoting *Ex parte Pruitt*, 551 S.W.2d 706, 710 (Tex. 1977)). Section 552.108(b)(1) is intended to protect "information which, if released, would permit private citizens to anticipate weaknesses in a police department, avoid detection, jeopardize officer safety, and generally undermine police efforts to effectuate the laws of this State." *City of Fort Worth v. Cornyn*, 86 S.W.3d 320 (Tex. App.—Austin 2002, no writ). 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), 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). Section 552.108(b)(1) is not applicable, however, to generally known policies and procedures. *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 not protected), 252 at 3 (1980) (governmental body failed to indicate why investigative procedures and techniques requested were any different from those commonly known).

The sheriff's office states release of the information would interfere with law enforcement in that it would compromise the security of the jail and jeopardize officer safety. The sheriff's office argues knowing the number of personnel guarding an area of the jail and the physical layout of the facility would "assist private citizens to anticipate weaknesses in the jail and to avoid detection in escaping, trafficking contraband or otherwise violating jail rules." Based on these representations and our review, we find release of the submitted information would interfere with law enforcement. Accordingly, the sheriff's office may withhold the submitted information under section 552.108(b)(1) of the Government Code.

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,

A handwritten signature in black ink, appearing to read "Yen-Ha Le". The signature is fluid and cursive, with the first name "Yen" and last name "Le" clearly distinguishable.

Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/sdk

Ref: ID# 451166

Enc. Submitted documents

c: Requestor  
(w/o enclosures)