



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

July 13, 2012

Mr. J. Frank Davis
Assistant District Attorney
Hays County
712 South Stagecoach, Suite 2057
San Marcos, Texas 78666

OR2012-10863

Dear Mr. Davis:

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# 460345.

The Hays County Sheriff's Office (the "sheriff's office") received a request for all arrest and jail records, including the booking sheet, arrest report, probable cause affidavit, inmate file, classification, medical records, physical/psychological examinations, correspondence, e-mails, coroner's report, and visitation information, pertaining to the incarceration of a specified individual at the Hays County Jail (the "jail") during a specified period of time. You state you have released some information in response to this request. You claim that the submitted information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

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 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 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) (section 552.108 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.*, ORDs 531 at 2-3 (Penal Code provisions, common law rules, and constitutional limitations on use of force not protected), 252 at 3 (governmental body failed to indicate why investigative procedures and techniques requested were any different from those commonly known).

You state that the submitted video recordings are taken from the jail’s closed circuit television monitoring system that is designed to supplement control and security functions in the jail. You explain the release of this information would interfere with law enforcement in that it would allow the public a view of a secure area of the jail and reveal the layout of the jail, the number of officers on duty, and their response to an emergency. You assert that revealing this information would allow individuals to anticipate weaknesses in the jail and its staff thereby jeopardizing the safety of the jail’s personnel and undermining the jail’s efforts to effectuate the laws of the State. Based on your arguments and our review, we find the release of this information would interfere with law enforcement. Therefore, the sheriff’s office may withhold the submitted video recordings under section 552.108(b)(1) of the Government Code.¹

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

¹As our ruling is dispositive, we need not consider your remaining arguments against disclosure.

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 cursive script that reads "Kathleen J. Santos".

Kathleen J. Santos
Assistant Attorney General
Open Records Division

KJS/eb

Ref: ID# 460345

Enc. Submitted documents

c: Requestor
(w/o enclosures)