



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 6, 2012

Ms. Tiffany N. Evans
Assistant City Attorney
City of Houston
P.O. Box 368
Houston, Texas 77002

OR2012-12291

Dear Ms. Evans:

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# 461095.

The Houston Police Department (the "department") received a request for training materials, instruction manuals, and general orders pertaining to the use of mobile digital terminals. 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.

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 pet.). 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 (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 seek to withhold a mobile data computer user's guide and general order 600-01 under section 552.108(b)(1) of the Government Code. You state the user's guide contains detailed descriptions of the mobile data computers in department patrol vehicles, as well as specific information on the operation of the system. You claim release of the user's guide would "give suspects a tactical advantage" because "perpetrators with knowledge of the system would be able to masquerade as police personnel, use the system to send misleading communications in furtherance of criminal activity, monitor police data and information being transmitted over the system, or even take steps to destroy or hinder the system." You state general order 600-01 outlines call priorities, response times, procedures and circumstances for dispatch of back-up and specialized units, the number of units to be dispatched to certain calls, whether emergency lights or sirens will be used, and the specific responsibilities of department staff in responding to calls. You state release of information in general order 600-01 would allow perpetrators "to anticipate the actions and response of the police department" and provide criminals with a tactical advantage. Based on your representations and our review, we agree the release of the information we have marked would interfere with law enforcement. Accordingly, the department may withhold the marked information under section 552.108(b)(1) of the Government Code. However, we find the department has not established the release of the remaining information would interfere with law enforcement; therefore, the department may not withhold any of the remaining information under section 552.108(b)(1). As you raise no other argument against disclosure, the department must release the remaining 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.

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 cursive script, appearing to read "Kristi L. Wilkins".

Kristi L. Wilkins
Assistant Attorney General
Open Records Division

KLW/ag

Ref: ID# 461095

Enc. Submitted documents

c: Requestor
(w/o enclosures)