



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 2, 2013

Ms. Evelyn W. Njuguna  
Staff Attorney  
City of Houston Police Department  
1200 Travis  
Houston, Texas 77002-6000

OR2013-05250

Dear Ms. Njuguna:

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# 483039 (ORU No. 13-0029).

The Houston Police Department (the "department") received a request for information pertaining to officers conducting traffic stops and making arrests. 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 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 explain some of the submitted information pertains to the department's policies and procedures for approaching a criminal suspect in a vehicle in a high-risk situation. Furthermore, you explain that release of this information would provide an advantage to criminal suspects during confrontations with police officers. You also argue that release of this information could increase the chance of injury to police officers during confrontations with criminal suspects. You have also submitted to this office an affidavit from an officer with the department, which states that some of the information you seek to withhold "includes where an individual will be taken after an arrest" and "when an individual may or may not be taken into custody." The officer explains that "[a] person armed with [this] information would be in a position to [evade] arrest or [thwart] law enforcement." The officer further states that the information also "contains detailed tactical information that if released would endanger the life and safety of a police officer by allowing an offender to anticipate a police officer's actions and plan a response accordingly." The officer explains that the release of this information "would impair law enforcement by placing individuals at an advantage in dealing with police officers and increasing the individuals chances of evading arrest, or injuring an officer or other person." Based on your arguments and our review of the submitted information, we agree the release of portions of the information at issue, which we have marked, would interfere with law enforcement. Accordingly, we conclude the department may withhold the portions of the information we have marked under section 552.108(b)(1) of the Government Code. We find that the department has not demonstrated how release of the remaining information would interfere with law enforcement. Thus, the remaining information must be released to the requestor.

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 "Jeffrey W. Giles". The signature is fluid and cursive, with a period at the end.

Jeffrey W. Giles  
Assistant Attorney General  
Open Records Division

JWG/dls

Ref: ID# 483039

Enc. Submitted documents

c: Requestor  
(w/o enclosures)