



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 18, 2016

Mr. Carlos Madrid
Assistant County Attorney
County of El Paso
500 East San Antonio, Room 503
El Paso, Texas 79901

OR2016-23365

Dear Mr. Madrid:

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# 630886 (CA# 0259-46-PI).

The El Paso County Sheriff's Office (the "sheriff's office") received a request for information which sets forth the policies, procedures, rules and standards of practice for employees of the sheriff's office. You state the sheriff's office has released some of the requested information. 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 the internal records and notations of law enforcement agencies and prosecutors when their release would interfere with law enforcement and crime prevention. 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 (Tex. 1977)). A governmental body claiming section 552.108(b)(1) must explain how and why the release of the requested information would interfere with law enforcement. *See* Gov't Code §§ 552.108(b)(1), .301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706. 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." *See City of Fort Worth v. Cornyn*, 86 S.W.3d 320, 327 (Tex. App.—Austin 2002, no pet.).

This office has concluded section 552.108(b)(1) 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 of the Government Code 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.*, 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 the submitted information, if released, would interfere with law enforcement or prosecution of crime. You state the responsive policies and procedures in Attachment B address information “regarding undercover investigations and techniques and use of confidential informants.” You state the responsive policies and procedures in Attachment C address “details of certain investigative and enforcement techniques, as well as how to take precautions in approaching offenders and risks.” You state the responsive policies and procedures in Attachment D address the procedures and operations for specialized units within the sheriff’s office, detailing “such things as number and placement of officers and lists of specialized equipment.” You argue release of the information in Attachments B, C, and D would allow “private citizens to anticipate weaknesses in the sheriff’s office and avoid detection, would otherwise interfere with crime prevention and investigative techniques, and would jeopardize officer safety.” Based on your representations and our review, we agree the release of the information we marked would interfere with law enforcement. Accordingly, the sheriff’s office may withhold the marked information under section 552.108(b)(1) of the Government Code. However, we find you have not demonstrated release of any of the remaining information would interfere with law enforcement or crime prevention. Accordingly, the sheriff’s office may not withhold any of the remaining information under section 552.108(b)(1) of the Government Code. As you raise no further exceptions to disclosure, the remaining information must be released.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read "Sidney M. Pounds". The signature is written in a cursive style with a large initial "S" and "P".

Sidney M. Pounds
Assistant Attorney General
Open Records Division

SMP/akg

Ref: ID# 630886

Enc. Submitted documents

c: Requestor
(w/o enclosures)