



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

November 7, 2016

Ms. Ursula N. Williams  
Staff Attorney  
Houston Police Department  
1200 Travis  
Houston, Texas 77002-6000

OR2016-24823

Dear Ms. Williams:

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# 633951 (ORU No. 16-6241).

The Houston Police Department (the "department") received a request for the Houston Police Department Policy Manual, any agreement between the Houston Police Officers Union and the City of Houston, training requirements for department officers beyond what is required by the Texas Commission on Law Enforcement, overall racial and ethnic demographics of the department, and documents showing the process for filing a complaint about an officer with the department. You state you will release some information. You claim portions of the submitted information are excepted from disclosure under section 552.108 of the Government Code. We have also received and considered comments submitted by the requestor. *See* Gov't Code § 552.304 (providing that interested party may submit written comments regarding why information should or should not be released). We have considered the exception you claim and reviewed the submitted information.

You state some of the responsive information was the subject of previous requests for information, in response to which this office issued Open Records Letters Nos. 2010-11262 (2010), 2009-15938 (2009), 2009-00978 (2009), 2008-12754 (2008), 2008-07057

(2008), 2007-15167 (2007), 2006-14725 (2006), and 2006-03239 (2006).<sup>1</sup> In those rulings we determined the department may withhold portions of the requested department policies and procedures under section 552.108(b)(1) of the Government Code and must release the remaining information. However, you state the submitted information consists of policies and procedures that have been revised since the issuance of our prior rulings and thus, we find the circumstances have changed for this information. Accordingly, for the requested information that is identical to the information previously requested and ruled upon by this office in Open Records Letters Nos. 2010-11262, 2009-15938, 2009-00978, 2008-12754, 2008-07057, 2007-15167, 2006-14725, and 2006-03239, we conclude the department may continue to rely on those rulings as previous determinations and withhold or release the identical information in accordance with those rulings. *See* Open Records Decision No. 673 (2001) (listing elements of second type of previous determination under section 552.301(a) of the Government Code). However, the department may not rely on Open Records Letters Nos. 2010-11262, 2009-15938, 2009-00978, 2008-12754, 2008-07057, 2007-15167, 2006-14725, and 2006-03239 as previous determinations for the information for which the law, facts, or circumstances have changed. Accordingly, we will consider your argument against disclosure of 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). A governmental body claiming section 552.108(b)(1) must reasonably 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 at 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

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<sup>1</sup>Although you seek to rely on Open Records Letter No. 2011-01683 (2011), we note that ruling was issued to the Flower Mound Police Department and therefore may not be relied upon by the Houston Police Department.

protected), 252 at 3 (governmental body failed to indicate why investigative procedures and techniques requested were any different from those commonly known).

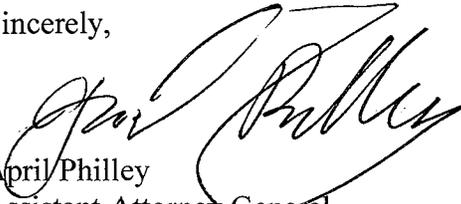
You claim the information you marked contains internal records related to law enforcement and, if released, would interfere with law enforcement. You assert the information at issue, if released, may facilitate an escape attempt by a suspect, breaches of department security, impersonations of an officer, breaches of department computer systems, evading arrest, and anticipating department responses to certain situations. Based on your representations and our review, we find the department has demonstrated the release of some of the information at issue would interfere with law enforcement. However, the department has failed to demonstrate the release of the remaining information would interfere with law enforcement. Accordingly, the department may withhold the information we have marked under section 552.108(b)(1) of the Government Code. The remaining information must be released.

In summary, the department may continue to rely on Open Records Letters Nos. 2010-11262, 2009-15938, 2009-00978, 2008-12754, 2008-07057, 2007-15167, 2006-14725, and 2006-03239 as previous determinations and withhold or release the identical information in accordance with those rulings. The department may withhold the information we have marked under section 552.108(b)(1) of the Government Code. 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](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,



April Philley  
Assistant Attorney General  
Open Records Division

AP/akg

Ref: ID# 633951

Enc. Submitted documents

c: Requestor  
(w/o enclosures)