



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

September 7, 2011

Mr. Jeff Bray  
Senior Legal Advisor  
City of Plano Police Department  
P.O. Box 860358  
Plano, Texas 75086-0358

OR2011-12941

Dear Mr. Bray:

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# 429152.

The Plano Police Department (the "department") received a request for the department's pursuit policy. You claim the pursuit policy is exempted 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 exempts 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)). 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 Ft. 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) exempts 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.*, Open Records Decision Nos. 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 assert the submitted vehicle pursuit policy is excepted under section 552.108(b)(1). You contend disclosure of the information “would permit private citizens to anticipate weaknesses in the department’s planned course of action in vehicle pursuits, avoid detection, jeopardize officer safety, and generally undermine police efforts to effectuate state laws.” Based on your arguments and our review, we agree portions of the submitted policy information, which we have marked, are protected by section 552.108(b)(1) of the Government Code. Therefore, the department may withhold the information we have marked on that basis. The remaining information, however, consists of factual information, reporting procedures, documentation procedures, and other routine administrative policies and procedures of the department. Thus, we find you have failed to establish how public access to the remaining information would interfere with law enforcement. Consequently, the department may not withhold the remaining information under section 552.108(b)(1) of the Government Code. As you have not claimed any other exceptions to 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](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,



Leah B. Wingerson  
Assistant Attorney General  
Open Records Division

LBW/dls

Ref: ID# 429152

Enc. Submitted documents

c: Requestor  
(w/o enclosures)