



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

April 1, 2015

Ms. Judi S. Rawls  
Police Admin. Legal Counsel  
Beaumont Police Department  
P.O. Box 3827  
Beaumont, Texas 77704-3827

OR2015-06190

Dear Ms. Rawls:

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# 558263.

The Beaumont Police Department (the "department") received a request for the department's internal policies and procedures.<sup>1</sup> You state the department has released some information to the requestor. You claim portions of the submitted information are excepted from disclosure under section 552.108(b)(1) of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Initially, you state the responsive information submitted within Exhibits B and D was the subject of previous requests for information, as a result of which this office issued Open Records Letter Nos. 2015-04354 (2015), 2014-11825 (2014), and 2014-11363 (2014). In those rulings, in relevant part, we determined the department may withhold certain information under section 552.108(b)(1) of the Government Code. You state the law, facts,

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<sup>1</sup>You state the department sought and received clarification of the information requested. See Gov't Code § 552.222 (providing if request for information is unclear, governmental body may ask requestor to clarify request); see also *City of Dallas v. Abbott*, 304 S.W.3d 380, 387 (Tex. 2010) (holding that when a governmental entity, acting in good faith, requests clarification or narrowing of an unclear or over-broad request for public information, the ten-day period to request an attorney general ruling is measured from the date the request is clarified or narrowed).

and circumstances on which the prior rulings were based have not changed. Thus, the department may continue to rely on Open Records Letter Nos. 2015-04354, 2014-11825, and 2014-11363 as previous determinations and withhold the information within Exhibits B and D that is identical to the information at issue in the prior rulings in accordance with those rulings. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in a prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure).

Section 552.108(b)(1) 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). 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 Ft. Worth v. Cornyn*, 86 S.W.3d 320 (Tex. App.—Austin 2002, no pet.). A governmental body claiming section 552.108(b)(1) must explain how and why release of the information at issue would interfere with law enforcement and crime prevention. *See* Open Records Decision No. 562 at 10 (1990). The statutory predecessor to section 552.108(b)(1) protected information that would reveal law enforcement techniques, but was not applicable to generally known policies and procedures. *See, e.g.*, Open Records Decision Nos. 531 (1989) (detailed use of force guidelines), 456 (1987) (information regarding location of off-duty police officers), 413 (1984) (sketch showing security measures to be used at next execution); *but see* 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 (1980) (governmental body failed to indicate why investigative procedures and techniques requested were any different from those commonly known).

You contend release of the information in Exhibit C would impair the safety and security of department officers and buildings, the internal operation of the department, and the opportunity of officers to successfully apprehend individuals who avoid detection or run from officers. Upon review, we conclude the department may withhold the information we have marked in Exhibit C under section 552.108(b)(1) of the Government Code. However, we find you have not specifically or otherwise sufficiently demonstrated release of any of the remaining information at issue would interfere with law enforcement or crime prevention; thus, none of the remaining information in Exhibit C may be withheld under section 552.108(b)(1) of the Government Code.

In summary, the department may continue to rely on Open Records Letter Nos. 2015-04354, 2014-11825, and 2014-11363 as previous determinations and withhold the information within Exhibits B and D that is identical to the information at issue in the prior rulings in

accordance with those rulings. The department may withhold the information we have marked in Exhibit C under section 552.108(b)(1) of the Government Code. 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.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,



Lee Seidlits  
Assistant Attorney General  
Open Records Division

CLS/som

Ref: ID# 558263

Enc. Submitted documents

c: Requestor  
(w/o enclosures)