



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 25, 2015

Ms. Natalie Broaddus
Assistant District Attorney
County of Brazoria
111 East Locust Street, Suite 408A
Angleton, Texas 77515

OR2015-20146

Dear Ms. Broaddus:

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# 580755.

The Brazoria County Sheriff's Office (the "sheriff's office") received a request for information relating to equipment and training provided to the sheriff's office through the Texas 1033 Surplus Property Program and/or by the Department of Defense. The sheriff's office states some of the requested information does not exist.¹ The sheriff's office states it has released some information. The sheriff's office claims portions of the submitted information are excepted from disclosure under section 552.108 of the Government Code. We have considered the exception the sheriff's office claims 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*

¹The Act does not require a governmental body to release information that did not exist when a request for information was received or to prepare new information in response to a request. *See Econ. Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266, 267-68 (Tex. Civ. App.—San Antonio 1978, writ dismissed); Open Records Decision Nos. 605 at 2 (1992), 452 at 3 (1986), 362 at 2 (1983).

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 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., 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). The sheriff's office states "the release of the amount of equipment and the equipment's serial numbers would give citizens the ability to research and identify certain pieces of equipment in possession of the [sheriff's office], and this could allow citizens to 'avoid detection' and 'generally undermine police efforts to effectuate the law of this State.'" The sheriff's office further asserts "the disclosed serial numbers could be duplicated on illegal firearms or be falsely used in a missing weapons report." Additionally, the sheriff's office states "releasing the amount of equipment would also allow for citizens to 'anticipate weaknesses' in the [sheriff's office] by alerting citizens to the number of firearms stored at the [sheriff's office]." Based on these representations and our review, we agree releasing the information the sheriff's office has marked would interfere with law enforcement. Accordingly, the sheriff's office may withhold the information it has marked under section 552.108(b)(1) of the Government Code. As the sheriff's office raises no further exceptions against 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 checkmark or signature mark in black ink, consisting of a single, fluid stroke that starts at the top right, curves down and left, and then curves back up and right to the starting point.

Rahat Huq
Assistant Attorney General
Open Records Division

RSH/som

Ref: ID# 580755

Enc. Submitted documents

c: Requestor
(w/o enclosures)