



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 21, 2016

Captain Jim Moody
Professional Standards Section
Public Information Officer
Collin County Sheriff's Office
4300 Community Avenue
McKinney, Texas 75071

OR2016-28177

Dear Captain Moody:

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# 638611.

The Collin County Sheriff's Office (the "sheriff's office") received a request for information pertaining to the movements of a named inmate. 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) of the Government Code 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 (1) release of the internal record or notation would interfere with law enforcement or prosecution[.]" Gov't Code § 552.108(b)(1). This section 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 Fort Worth v. Cornyn*, 86 S.W.3d 320, 327 (Tex. App.—Austin 2002, no pet.). This office has concluded this provision protects certain kinds of information, the disclosure of which might compromise the security or operations of a law enforcement agency. *See, e.g.*, Open Records Decision Nos. 531 at 3-4 (1989) (detailed guidelines regarding police department's use of force policy), 508 at 3-4 (1988) (information relating

to future transfers of prisoners), 413 (1984) (sketch showing security measures for forthcoming execution). However, to claim this aspect of section 552.108 protection a governmental body must meet its burden of explaining how and why release of the information at issue would interfere with law enforcement and crime prevention. Open Records Decision No. 562 at 10 (1990). Further, commonly known policies and techniques may not be withheld under section 552.108. *See, e.g.*, Open Records Decision Nos. 531 at 2-3 (former section 552.108 does not protect Penal Code provisions, common-law rules, and constitutional limitations on use of force), 252 at 3 (1980) (governmental body did not meet burden because it did not indicate why investigative procedures and techniques submitted were any different from those commonly known with law enforcement and crime prevention). To prevail on its claim that section 552.108(b)(1) excepts information from disclosure, a law-enforcement agency must do more than merely make a conclusory assertion that releasing the information would interfere with law enforcement. The determination of whether the release of particular records would interfere with law enforcement is made on a case-by-case basis. Open Records Decision No. 409 at 2 (1984).

The sheriff's office states the submitted information consists of a log of the named inmate's movements to and from the Collin County Detention Facility (the "facility"). You explain this log is "a procedural timeline of how a prisoner is transferred back and forth between the main detention center and the courthouse, or other movements within different parts of the [facility] itself." You state the log shows "the various states and the order of processing a prisoner through stations from his cell to transfer deputies who transport inmates to the court holding facility, and when they are returned to the [facility] and their cells." You assert release of the submitted information would compromise the sheriff's office's internal tracking system of inmates, "allowing an individual to then develop ways to circumvent, interfere with, or completely thwart the system's purpose, and jeopardize the safety of [your] officers." Upon review, we find the sheriff's office has established release of the submitted information would interfere with law enforcement. Therefore, the sheriff's office may withhold the submitted information under section 552.108(b)(1) of the Government Code.


You ask this office to issue a previous determination that would permit the sheriff's office to withhold logs of inmate movements under section 552.108(b)(1) of the Government Code without the necessity of requesting a decision from this office. We decline to issue such a previous determination at this time.

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,



Jennifer Luttrall
Assistant Attorney General
Open Records Division

JL/akg

Ref: ID# 638611

Enc. Submitted documents

c: Requestor
(w/o enclosures)