



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

May 27, 2020

Mr. Brandon Dyson
Assistant City Attorney
City of San Angelo
72 West College Avenue
San Angelo, Texas 76903

OR2020-14707

Dear Mr. Dyson:

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# 830232 (ORR# P000810).

The San Angelo Police Department (the "department") received a request for specified policies and procedures manuals and forms. The department states it will withhold some of the requested information in accordance with the previous determinations issued in Open Records Letter Nos. 2013-17011 (2013) and 2016-05281 (2016). *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 prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). The department claims some of the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception the department 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* 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 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, 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 department argues some of the submitted information is protected by section 552.108(b)(1) of the Government Code. The department states the information at issue, which the department highlighted, consists of “highly-specific guidelines, the release of which[] would impair an officer’s ability to arrest or investigate individuals and would place individuals at an advantage in confrontation with police.” The department argues release of the highlighted information would increase the chances of suspects evading arrest or investigation and injuring an officer or other person. The department also argues allowing access to the highlighted information would notify people how to manipulate an arrest or an investigation to avoid criminal charges. The department further claims release of the information would familiarize the general public with an officer’s restrictions during an arrest, investigation or other procedure and would allow the public to take advantage of such information to the officer’s detriment. Thus, the department states release of the information it highlighted would interfere with law enforcement. Based on these representations and our review, we agree the release of most of the information at issue would interfere with law enforcement. Accordingly, with the exception of the information we marked for release, the department may withhold the information it highlighted under section 552.108(b)(1) of the Government Code. However, we find the department has not demonstrated how some of the information at issue would interfere with law enforcement or crime prevention. This information, which we marked for release, may not be withheld under section 552.108(b)(1). 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 <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable

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charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/rm

Ref: ID# 830232

Enc. Submitted documents

c: Requestor
(w/o enclosures)