



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

December 22, 2020

Ms. Audrea Hutson
Open Records
Williamson County Sheriff's Office
508 South Rock Street
Georgetown, Texas 78626

OR2020-32109

Dear Ms. Hutson:

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# 859173.

The Williamson County Sheriff's Office (the "sheriff's office") received a request for sheriff's office policy manuals, including corrections and law enforcement policy manuals. 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.

Initially, we note some of the submitted information was the subject of previous requests for rulings, as a result of which this office issued Open Records Letter Nos. 2018-01068 (2018), 2018-20732 (2018), and 2020-21825 (2020). In Open Records Letter Nos. 2018-01068 and 2018-20732, we determined that the sheriff's office: (1) may withhold the information we marked under section 552.108(b)(1) of the Government Code; and (2) must release the remaining information. In Open Records Letter No. 2020-21825, we determined that the sheriff's office: (1) may rely on Open Records Letter Nos. 2018-01068 and 2018-20732 as previous determinations and withhold or release the information at issue in accordance with those rulings; (2) may withhold the information we marked under section 552.108(b)(1) of the Government Code; and (3) must release the remaining information. We understand the law, facts, and circumstances on which the prior rulings were based have not changed. Thus, the sheriff's office must continue to rely on Open Records Letter Nos. 2018-01068, 2018-20732, and 2020-21825 as previous determinations and withhold

or release the identical information in accordance with those rulings.¹ *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). However, we will consider your arguments for the remaining information not subject to the previous rulings.

Section 552.108 of the Government Code provides, in relevant part, the following:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [required public disclosure] if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime[.]

...

(b) An 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 is excepted from [required public disclosure] if:

(1) release of the internal record or notation would interfere with law enforcement or prosecution[.]

Gov't Code § 552.108(a)(1), (b)(1). Section 552.108(a)(1) protects information if its release would interfere with a particular pending criminal investigation or prosecution. Section 552.108(b)(1) protects internal law enforcement and prosecution records, the release of which would interfere with law enforcement and prosecution efforts in general. *See City of Fort Worth v. Cornyn*, 86 S.W.3d 320, 327 (Tex. App.—Austin 2002, no pet.) (section 552.108(b)(1) protects information that if released would permit private citizens to anticipate weaknesses in police department, avoid detection, jeopardize officer safety, and generally undermine police efforts to effectuate state laws). A governmental body claiming subsections 552.108(a)(1) and (b)(1) must explain how and why the release of the requested information would interfere with law enforcement. *See* Gov't Code § 552.301 (e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). 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 (1989) (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

¹ As we are able to make this determination, we need not address your arguments against disclosure of this information.

policies and procedures. *See, e.g.*, ORDs 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 remaining information consists of portions of the sheriff's office's Law Enforcement General Orders. You assert release of the remaining information would interfere with law enforcement activities and crime prevention. Based on these representations and our review, we agree the release of some of the remaining information, which we marked, would interfere with law enforcement. Accordingly, the sheriff's office may withhold the information we marked under section 552.108(b)(1) of the Government Code.² However, we find you have not demonstrated release of any of the remaining information would interfere with law enforcement or crime prevention. Accordingly, the sheriff's office may not withhold any of the remaining information under section 552.108(b)(1) of the Government Code. Further, you do not inform us release of the information at issue would interfere with a particular pending criminal investigation or prosecution. Therefore, the sheriff's office may not withhold any of the remaining information under section 552.108(a)(1) of the Government Code.

In summary, the sheriff's office must continue to rely on Open Records Letter Nos. 2018-01068, 2018-20732, and 2020-20732 as previous determinations and withhold or release the information at issue in accordance with those rulings. The sheriff's office may withhold the information we marked under section 552.108(b)(1) of the Government Code. The sheriff's office 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 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,

Deborah Southerland
Assistant Attorney General
Open Records Division

DS/jxd

² As our ruling is dispositive, we need not address your remaining argument against disclosure of this information.

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Enc. Submitted documents

c: Requestor
(w/o enclosures)