



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 4, 1991

Ms. Pamela Wells  
Assistant District Attorney  
Denton County Commissioners Court  
110 West Hickory  
Denton, Texas 76201

OR91-618

Dear Ms. Wells:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 14093.

Denton County (the county) has received a request for information relating to capital equipment assigned to the county sheriff's department and the county jail. Specifically, the requestor seeks:

A listing of all such vehicles, whether the vehicles are "leased," "purchased" or "confiscated" (unless such vehicles are currently and actively being used for "under cover" operations), to include:

- Year model, and
- Make of manufacture,

The number of vehicles which are currently and actively being used for "under cover" operations,

The total number of MOBILE TELEPHONES assigned to the SHERIFF'S DEPARTMENT,

The total number of MOBILE TELEPHONES assigned to the COUNTY JAIL,

The total number of MOBILE RADIOS assigned to the SHERIFF'S DEPARTMENT, and

The total number of MOBILE RADIOS assigned to the COUNTY JAIL.

You advise us that all of the requested information has been released except for information relating to the number of vehicles currently being used for undercover operations. You claim that this information is excepted from required public disclosure by section 3(a)(8) of the Open Records Act.

Section 3(a)(8) excepts from required public disclosure

records of law enforcement agencies and prosecutors that deal with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies and prosecutors which are maintained for internal use in matters relating to law enforcement and prosecution.

This office has stated in previous open records decisions that the test for determining whether records are excepted from public disclosure under section 3(a)(8) is whether release of the records unduly would interfere with law enforcement and crime prevention. Open Records Decisions Nos. 553 (1990) at 4; 474 (1987) at 5; *see also Ex parte Pruitt*, 551 S.W.2d 706, 710 (Tex. 1977) (citing *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.-Houston [14th Dist.] 1975, *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976)). A case-by-case determination is necessary. Open Records Decision No. 434 (1986) at 2.

You assert that "release of the number of undercover vehicles will interfere with the department's enforcement proceedings and will unduly interfere with the safety of the employees." You further assert that release of the information would allow one to deduce the identity of the undercover officers. On the basis of these

assertions, we conclude that the release of information relating to the number of vehicles used for undercover operations unduly would interfere with law enforcement and crime prevention; accordingly, you may withhold the requested information from public disclosure under section 3(a)(8).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-618.

Yours very truly,



Kym Oltrogge  
Assistant Attorney General  
Opinion Committee

KO/GK/lcd

Ref.: ID# 14093

cc: Mr. David Klundt  
1428 Pickwick  
Denton, Texas 76201