



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 20, 1994

Mr. Tim Curry
Criminal District Attorney
Tarrant County
Justice Center
401 W. Belknap
Fort Worth, Texas 76196-0201

OR94-248

Dear Mr. Curry:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 25635.

The Tarrant County Sheriff's Office (the "sheriff") has received a request for information relating to the sheriff's decision to disarm the requestor upon his entry into Tarrant County courthouses. Specifically, the requestor seeks "[d]ocuments that have been given to any Department, or Division of the Sheriff's Department that would place any restriction upon my access to the Government Buildings of Tarrant County, including the Court Houses, in any manner [*sic*]." In addition, the requestor seeks any complaints filed against him with regard to this matter and any photographs used by the sheriff for purposes of identifying him. You have submitted to us for review a document responsive to this request (Exhibit "E"). You seek to withhold the marked portion of this document under sections 552.101, 552.103(a), 552.108, and 552.111 of the Government Code.

Section 552.108 of the Government Code provides that:

(a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [required public disclosure].

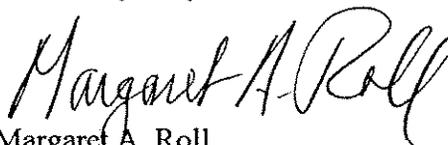
(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from [required public disclosure].

Gov't Code § 552.108. Section 552.108 excepts from required public disclosure the internal records and notations of law enforcement agencies and prosecutors when their release would unduly interfere with law enforcement and crime prevention. Open Records Decision No. 531 (1989) at 2 (quoting *Ex Parte Pruitt*, 551 S.W.2d 706, 710 (Tex. 1977)). When this exception is claimed, the agency claiming it must reasonably explain, if the information does not supply the explanation on its face, how release would unduly interfere with law enforcement. Open Records Decision No. 434 (1986) at 3. Whether information falls within the section 552.108 exception must be determined on a case-by-case basis. Open Records Decision Nos. 434 at 2; 287 (1981) at 1-2. This office has on numerous occasions held that section 552.108 excepts from public disclosure information relating to the security or operation of certain secured facilities. *See, e.g.*, Open Records Decision Nos. 531 (1989) (holding that section 552.108 excepts detailed guidelines regarding a police department's use of force policy); 508 (1988) (holding that release of dates of prison transfer could impair security); 413 (1984) (holding that section 552.108 excepts sketch showing security measures for execution).

Section 291.003 of the Local Government Code provides that the "sheriff shall have charge and control of the county courthouse." You advise us that the sheriff has established a policy pursuant to section 291.003 of disarming the requestor upon the requestor's entry into county courthouses. Having examined the submitted document, we agree with your determination that release of the marked portion would undermine courthouse security. Accordingly, we conclude that the sheriff may withhold the marked portion of the submitted document under section 552.108 of the Government Code. As we resolve this matter under section 552.108, we need not address the applicability of the other claimed exceptions at this time.

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 contact this office.

Yours very truly,



Margaret A. Roll
Assistant Attorney General
Open Government Section

MAR/GCK/rho

Ref.: ID# 25635
ID# 25845

Enclosures: Submitted documents

cc: Mr. Clifford A. Davis, III
7328 Lea Place
Fort Worth, Texas 76140
(w/o enclosures)