



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 15, 1994

Ms. Sandra D. Hachem
Assistant County Attorney
Harris County
1001 Preston, Suite 634
Houston, Texas 77002-1891

OR94-343

Dear Ms. Hachem:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 22916.

The Harris County Sheriff's Department (the "department") received an open records request from an inmate for the department's guidelines for handling the administrative segregation of inmates. You claim that this information is excepted from disclosure under section 552.108 of the Government Code.

Section 552.108 provides as follows:

- (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].

Section 552.108(b) 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.¹ Open Records Decision No. 531 (1989) at 2 (quoting *Ex parte Pruitt*, 551 S.W.2d 706, 710 (Tex. 1977)). When section 552.108(b) is claimed, the agency claiming it must reasonably explain, if the information does not supply the explanation on its face, how releasing the information 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.

We have examined the information you have submitted for review and conclude that you may withhold part of section D, the code numbers to be used on Administrative Segregation Review Sheets. This information is specific enough that, given the circumstances, we believe its release might unduly interfere with law enforcement. The remaining information, however, does not present the same threat. In particular, although another portion of the document lists examples of circumstances in which an inmate may be placed in administrative segregation, this portion of the document also indicates that these examples are not all inclusive. Therefore, an inmate could not use this list to determine how to cause trouble and yet avoid administrative segregation. Furthermore, the remaining information in the document merely reveals the procedures jail personnel are to use regarding administrative segregation. You have not established how releasing this information would unduly interfere with law enforcement. Therefore, section 552.108(b) excepts from disclosure the marked portions of section D of the information you submitted for review but does not except from disclosure the remaining information.

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 our office.

Yours very truly,



Margaret A. Roll
Assistant Attorney General
Open Government Section

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Ref.: ID# 22916

¹This standard was not changed by the codification of article 6252-17a, section 3(a)(8), V.T.C.S., into section 552.108 of the Government Code. The codification of the Open Records Act in the Government Code was a nonsubstantive revision under article III, section 43, of the Texas Constitution. Acts 1993, 73d Leg., ch. 268, § 47.

Enclosures: Marked documents

cc: Mr. Leslie W. Morgan
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(w/o enclosures)