



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 19, 1996

Mr. Patrick S. Dohoney
Assistant District Attorney
Tarrant County
Justice Center
401 W. Belknap
Fort Worth, Texas 76196-0201

OR96-0354

Dear Mr. Dohoney:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 39014.

Tarrant County (the "county") received a request for seven categories of information. You seek our decision regarding the release of information responsive to two of the seven categories:

(a) A copy of any insurance policy which would provide coverage in the event of a crash of any of the helicopters held by the Sheriff's Department; and

(c) Records which reflect the location where all helicopters held by the Sheriff's Department have been stored during the past eight (8) months.

You have submitted for our review an insurance policy that is responsive to both categories of the request.¹ You contend that the insurance policy is excepted from required public disclosure by section 552.108 of the Government Code.²

¹You note that the documents submitted to this office for review are a representative sample of documents in the county's possession that are responsive to the request for information. We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Section 552.108(b) excepts from disclosure “[a]n 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.” This section excepts from 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 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.

The insurance policy at issue reflects the storage location of the county’s helicopters. You state that “the helicopters are used primarily in the interdiction of the drug trafficking in the Tarrant County area.” You assert that disclosing the location of the helicopters could place the sheriff’s department at a disadvantage and impair its ability to make arrests. We agree that disclosing the location of the helicopters would unduly interfere with law enforcement. However, you have not demonstrated how releasing the remainder of the insurance policy would unduly interfere with law enforcement. Thus, you may withhold the location of the helicopters pursuant to section 552.108, but you must release the remainder of the insurance policy to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref.: ID# 39014

²You also allege that the request for information is “overbroad, and therefore, not subject to production.” We disagree. We note that the request is sufficiently precise and susceptible to logical interpretation. Furthermore, it appears that you have been able to respond adequately to each category of the request.

Enclosures: Submitted documents

cc: Ms. B. C. Cornish
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(w/o enclosures)