



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 19, 1996

Ms. Y. Qiyamah Taylor  
Assistant City Attorney  
City of Houston  
P.O. Box 1562  
Houston, Texas 77251-1562

OR96-0585

Dear Ms. Taylor:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. We assigned your requests ID# 24192 and ID# 39374.

The City of Houston Police Department received two open records request for certain materials used in training officers to detect and apprehend individuals who are driving while intoxicated ("DWT"). You have submitted to this office for review copies of the instructor's manual and the student's manual for a course being taught at the Police Training Academy. You contend that section 552.108 of the Government Code excepts this information from required public disclosure.

Section 552.108 excepts from disclosure:

- (a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021.
- (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 the requirements of Section 552.021.

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. 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.

In this case, although you explain why you believe releasing the requested information would unduly interfere with law enforcement, the records contradict your assertions and indicate that the information is already available to the public. For example, the first chapter in both manuals, labeled "SESSION II," contains nothing more than general information and statistics regarding the DWI problem and its detection and prevention. The section called "SESSION III" summarizes the law as it relates to DWI offenses. Some of the information contained in the manuals is of a more technical and specialized nature. However, the bibliographies contained in the manuals indicate that the more technical and specialized information is available to the public from other sources. You have not demonstrated how releasing the information from these manuals would interfere with law enforcement when the information is readily available from other sources. Under these circumstances, section 552.108 of the Government Code does not except from disclosure the requested manuals, and you must release them in their entirety.

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/rho

Ref.: ID# 24192, ID# 39374

Enclosures: Submitted documents

cc: Mr. Ken Sparks  
Schaffer, Lambright, Odom & Sparks  
1301 McKinney, Suite 3100  
Houston, Texas 77010  
(w/o enclosures)

Mr. Bill Baker  
Legal Assistant  
Hardin, Beers, Hagstette & Davidson, L.L.P.  
1201 Louisiana, Suite 3300  
Houston, Texas 77002  
(w/o enclosures)