



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 9, 1997

Mr. Edward Schweningen  
Assistant Criminal District Attorney  
Bexar County Criminal District Attorney  
Bexar County Justice Center  
300 Dolorosa, Suite 5072  
San Antonio, Texas 78205-3030

OR97-2244

Dear Mr. Schweningen:

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# 109577.

The Bexar County District Attorney (the "district attorney") received a request for a report which investigates operational problems and recommends remedial action regarding electronic security systems in place in the Bexar County Adult Detention Center ("BCADC"). You assert that the report is excepted from disclosure pursuant to sections 552.107, 552.108 and 552.111 of the Government Code. We have considered your arguments and have reviewed the information submitted.

As amended, Section 552.108 provides in part:

(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 [public disclosure] if: (1) release of the internal record or notation would interfere with law enforcement or prosecution; (2) the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication; or (3) the internal record or notation: (A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or (B) reflects the mental impressions or legal reasoning of an attorney representing the state.

*See Act of June 1, 1997, H.B. 951, §1, 75<sup>th</sup> Leg., R.S. (to be codified at Gov't Code § 552.108).*

You inform this office that the report analyzes and reveals highly sensitive information about the security of the BCADC and argue that the disclosure of such information, such as the type and operation of its security systems as well as their potential weaknesses, would be a devastating breach of security and a threat to public safety. We agree and find that release of this information would interfere with law enforcement. Thus, we conclude that section 552.108(b) of the Government Code exempts the requested records from required public disclosure. *See* Open Records Decision Nos. 413 (1984) (sketch showing planned prison security measures constitutes internal record of law enforcement agency which is maintained for internal use in matter relating to law enforcement within the meaning of predecessor to section 552.108, and it may therefore be withheld from public disclosure), 508 (1988) (releasing dates that specific prisoners will be transferred to Department of Corrections prior to transfer could impair security). As we resolve your request under section 552.108, we need not address your other arguments for withholding the report.

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,



Michael A. Pearle  
Assistant Attorney General  
Open Records Division

MAP/ch

Ref.: ID# 109577

Enclosures: Submitted documents

cc: Mr. Maro Robbins  
San Antonio Express-News  
P.O. Box 2171  
San Antonio, Texas 78297  
(w/o enclosures)