



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 20, 1998

Mr. Michael Bostic
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
Municipal Building
Dallas, Texas 75201

OR98-1264

Dear Mr. Bostic:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 115374.

The Dallas Police Department received a request for "field sobriety test training manuals and pamphlets." You contend that the requested documents are excepted from disclosure pursuant to section 552.108 of the Government Code. You have submitted a representative sample of the requested documents to this office for review.¹

Section 552.108(b)(1) excepts from disclosure 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 if release of the internal record or notation would interfere with law enforcement or prosecution. You make the following arguments for withholding the requested documents under section 552.108(b)(1):

Because the information requested specifically delineate [sic] certain procedures and tests an officer may perform in an encounter with a suspected drunk driver, or a person suspected of public intoxication, it should be protected from disclosure . . . [t]he rationale being that the release of the detailed guidelines would impair an officer's ability to arrest a suspect, and

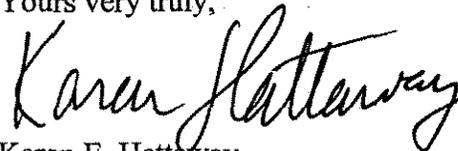
¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

would place an individual at a distinct advantage in confrontations with the police.

Having considered the submitted documents in light of your arguments, we find that portions of the documents are excepted from disclosure under section 552.108(b)(1). We have marked the protected portions of the documents accordingly. The remaining portions of the documents must be released.

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 any questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 115374

Enclosures: Marked documents

cc: Mr. Lawrence E. Beaver
1001 W. Eules Boulevard, Suite 210
Eules, Texas 76040
(w/o enclosures)