

January 25, 1999



OFFICE OF THE  
ATTORNEY GENERAL  
STATE OF TEXAS

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JOHN CORNYN  
Attorney General

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Ms. Katheryn West  
Assistant City Attorney  
Criminal Law and Police Division  
City of Dallas  
2014 Main Street, Room 206  
Dallas, Texas 75201

OR99-0227

Dear Ms. West:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121253.

The Dallas Police Department (the "department") received a request for the "Dallas Police Department General Orders Code of Conduct." You represent that all of the responsive information with the exception of a portion that "specifically outlines police vehicle parking procedures" has been released. You have submitted the information that you seek to withhold, asserting that it is excepted from public disclosure by section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the documents at issue.

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 at 2 (1989) (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 at 3 (1986). Whether disclosure of particular records will unduly interfere with crime prevention must be decided on a case-by-case basis. Attorney General Opinion MW-381 (1981). You claim that

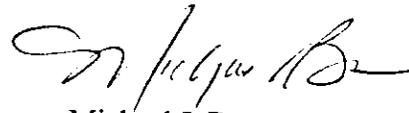
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release of the submitted document would reveal the location of parked police vehicles when officers were in court or on duty and that such information could be dangerous to members of the Dallas Police Department. However, our review of the submitted document reveals no such information. While we are sensitive to any potential endangerment of police personnel, in our view you have not provided a reasonable explanation of how releasing the submitted information would unduly interfere with law enforcement. Therefore the information may not be withheld pursuant to Government Code 552.108(b).

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 J. Burns  
Assistant Attorney General  
Open Records Division

MJB/ch

Ref: ID# 121253

Enclosures: Submitted documents

cc: Mr. Richard Jenkins  
501 Elm, Suite 420  
Dallas, Texas 75202  
(w/o enclosures)