



July 23, 1999

Ms. Debra Kerss  
Records Manager  
Nacogdoches Police Department  
P.O. Drawer 630648  
Nacogdoches, Texas 75963-0648

OR99-2070

Dear Ms. Kerss:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 126058.

The Nacogdoches Police Department (the “department”) received a request for a copy of the “Standard Operating Procedure Manual in effect for 1997.” You state that you will release the contents of Exhibit A to the requestor. You claim, however, that the information submitted as Exhibit B is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the contents of Exhibit B.

Section 552.108, the “law enforcement exception,” provides:

(a) [i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [public disclosure] if: (1) release of the information would interfere with the detection, investigation or prosecution of crime; (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication; or (3) it is information that: (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.

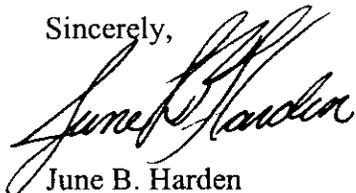
(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from [public disclosure]

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.

Gov't Code § 552.108. Generally, a governmental body claiming an exception under section 552.108 must reasonably explain, if the information does not supply the explanation on its face, how and why the release of the requested information would interfere with law enforcement. *See* Gov't Code §§ 552.108(a)(1), (b)(1), .301(b)(1); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). In this instance, you have not explained how the release of Exhibit B would interfere with the detection, investigation, or prosecution of crime. Furthermore, you have not demonstrated that any other provision of section 552.108 is applicable. Therefore, the department may not withhold Exhibit B under section 552.108.

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.

Sincerely,



June B. Harden  
Assistant Attorney General  
Open Records Division

JBH\ch

Ref: ID# 126058

Encl: Submitted documents

cc: Ms. Karen L. Herb  
c/o Jackee Cox  
510 Ochiltree  
Nacogdoches, Texas 75961  
(w/o enclosures)