



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 18, 2009

Mr. Mack Reinwand
Assistant City Attorney
Arlington Police Department - Legal Division
Mail Stop 04-0200
P.O. Box 1065
Arlington, Texas 76004-1065

OR2009-11533

Dear Mr. Reinwand:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 353341 (APD# 2009-06-063).

The Arlington Police Department (the "department") received a request for information related to a specified officer's schedule between March 1, 2009, and June 1, 2009, as well as copies of all citations issued by the same officer during this time frame. You claim that the requested citations are not subject to the Act. You also claim that the requested information related to the officer's schedule is excepted from disclosure under section 552.108 of the Government Code. We have considered your arguments and reviewed the submitted information.

Initially, we address the department's assertion that some of the requested documents are records of the judiciary and therefore not subject to the Act. The Act generally requires the disclosure of information maintained by a "governmental body," but the judiciary is expressly excluded from the requirements of the Act. *See* Gov't Code § 552.003(1)(B). You state that the requested citations are "delivered to and maintained by the City of Arlington Municipal Court." Based on this representation, we agree that the requested citations are records of the judiciary and are not subject to disclosure under the Act.

You argue that the submitted information, consisting of a department officer's timecards, is excepted from disclosure under section 552.108(b)(1) of the Government Code, which excepts from disclosure the internal records and notations of law enforcement agencies and prosecutors when release would interfere with law enforcement and crime prevention. *Id.* § 552.108(b)(1); *see also* Open Records Decision No. 531 at 2 (1989) (quoting *Ex parte Pruitt*, 551 S.W.2d 706, 710 (Tex. 1977)). Section 552.108(b)(1) is intended to protect "information which, if released, would permit private citizens to anticipate weaknesses in a police department, avoid detection, jeopardize officer safety, and generally undermine police efforts to effectuate the laws of this State." *See City of Ft. Worth v. Cornyn*, 86 S.W.3d 320 (Tex. App.—Austin 2002, no writ). To demonstrate the applicability of section 552.108, a governmental body must explain how and why release of the requested information would interfere with law enforcement and crime prevention. Open Records Decision No. 562 at 10 (1990). This office has concluded section 552.108(b) excepts from public disclosure information relating to the security or operation of a law enforcement agency. *See, e.g.*, Open Records Decision Nos. 531 (1989) (release of detailed use of force guidelines would unduly interfere with law enforcement), 456 at 2 (1987) (release of forms containing information regarding when and where off-duty police officers will be working would unduly interfere with law enforcement), 252 (1980) (section 552.108 is designed to protect investigative techniques and procedures used in law enforcement), 143 (1976) (disclosure of specific operations or specialized equipment directly related to investigation or detection of crime may be excepted).

You claim the submitted information reveals the officer's schedule and release would therefore "allow criminals and others to adjust the time and/or location of illegal activities accordingly and jeopardize public safety and overall law enforcement [and] would also help such persons identify times when police protection is reduced." Based on your arguments and our review of the submitted information, we agree that the department may withhold this information under section 552.108(b)(1) of the Government Code.

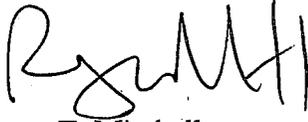
In summary: (1) the requested citations are records of the judiciary and are not subject to disclosure under the Act; and (2) the department may withhold the submitted timecards under section 552.108(b)(1) of the Government Code.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public

information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General at (512) 475-2497.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan T. Mitchell". The signature is fluid and cursive, with the first name "Ryan" being more prominent than the last name "Mitchell".

Ryan T. Mitchell
Assistant Attorney General
Open Records Division

RTM/rl

Ref: ID# 353341

Enc. Submitted documents

cc: Requestor
(w/o enclosures)