



January 23, 2015

Ms. Janie L. Johnson
Assistant Criminal District Attorney
Gregg County
101 East Methvin, Suite 333
Longview, Texas 75601

OR2015-01383

Dear Ms. Johnson:

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# 551181.

Gregg County (the "county") received a request for "public records that indicate the Texas license plate number of any vehicle owned, leased or otherwise funded in full or in part by Gregg County tax revenue that has been recorded as being in use at any point since January 1, 2010" and a corresponding general description of each responsive vehicle and a statement of the cost of each vehicle. You claim portions of the submitted information are excepted from disclosure under sections 552.108 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.130 of the Government Code provides information relating to a motor vehicle operator's license, driver's license, motor vehicle title or registration, or personal identification document issued by an agency of this state or another state or country is excepted from public release. *See* Gov't Code § 552.130. Upon review, we find the information you marked consists of motor vehicle record information subject to section 552.130. Therefore, the county must withhold the motor vehicle record information you marked under section 552.130 of the Government Code.

Section 552.108(b) of the Government Code 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 . . . if (1) release of the internal record or notation would interfere with law enforcement or prosecution[.]” *Id.* § 552.108(b)(1). This section 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.” *City of Fort Worth v. Cornyn*, 86 S.W.3d 320, 327 (Tex. App.—Austin 2002, no pet.). This office has concluded this provision protects certain kinds of information, the disclosure of which might compromise the security or operations of a law enforcement agency. *See, e.g.*, Open Records Decision No. 531 at 3-4 (1989) (detailed guidelines regarding police department’s use of force policy). However, to claim this aspect of section 552.108 protection a governmental body must meet its burden of explaining how and why release of the information at issue would interfere with law enforcement and crime prevention. Open Records Decision No. 562 at 10 (1990). Further, commonly known policies and techniques may not be withheld under section 552.108. *See, e.g.*, Open Records Decision Nos. 531 at 2-3 (former section 552.108 does not protect Penal Code provisions, common-law rules, and constitutional limitations on use of force), 252 at 3 (1980) (governmental body did not meet burden because it did not indicate why investigative procedures and techniques submitted were any different from those commonly known with law enforcement and crime prevention). To prevail on its claim that section 552.108(b)(1) exempts information from disclosure, a law-enforcement agency must do more than merely make a conclusory assertion that releasing the information would interfere with law enforcement. The determination of whether the release of particular records would interfere with law enforcement is made on a case-by-case basis. Open Records Decision No. 409 at 2 (1984).

You state many of the vehicles marked on the inventory list are utilized by the sheriff’s department as officer take-home cars, undercover vehicles, airport security cars, as well as CODE cars, juvenile probation vehicles, constable cars, game warden vehicles, and criminal district attorney investigator cars. You state the release of the information you have marked would hinder and negatively affect criminal investigative efforts. You further state the release of the information you have marked would pose a threat to law enforcement officers and investigations, undercover investigations, specialized task force investigations, and law enforcement efforts. Upon review, we find the release of some of the remaining information would interfere with law enforcement. Although you explain some of the vehicles at issue are used as officer take-home cars, undercover operations cars, or specialized task force investigations cars, you have not marked or otherwise indicated which of the county’s vehicles are used as officer take-home cars, undercover operations cars, or specialized task force investigation cars. Therefore, we must rule conditionally for this information. To the extent the vehicle information you marked pertains to vehicles used as officer take-home cars, undercover operations cars, or specialized task force investigation cars, the county may withhold this information under section 552.108(b)(1) of the Government Code. If the vehicle information you marked does not pertain to vehicles used as officer take-home cars, undercover operations cars, or specialized task force investigation cars, the county may not

withhold this information under section 552.108(b)(1) of the Government Code. Further, we find you have not demonstrated how release of any of the remaining information would interfere with law enforcement or crime prevention. Accordingly, the county may not withhold any of the remaining information under section 552.108(b)(1) of the Government Code.

In summary, the county must withhold the motor vehicle record information you marked under section 552.130 of the Government Code. The county may withhold the information you marked which pertains to county vehicles, to the extent this information pertains to vehicles used as officer take-home cars, undercover operations cars, and specialized task force investigation cars under section 552.108(b)(1) of the Government Code. The county must release the remaining information.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Daniel Olds
Assistant Attorney General
Open Records Division

DO/akg

Ref: ID# 551181

Enc. Submitted documents

c: Requestor
(w/o enclosures)