



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 17, 2015

Ms. Linda M. Champion
Assistant City Attorney
City of Victoria
P.O. Box 1758
Victoria, Texas 77902-1758

OR2015-05063

Dear Ms. Champion:

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# 556554.

The City of Victoria (the "city") received two requests from different requestors for the city's police department's policies on use of force. You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information. We have also received and considered comments from an interested party. *See* Gov't Code § 552.304 (interested party may submit comments stating why information should or should not be released).

The submitted information was the subject of a previous request for information, in response to which this office issued Open Records Letter No. 2014-21606 (2014). In that ruling, we determined (1) the city may withhold the information we marked in the city's general order on use of force under section 552.108(b)(1) of the Government Code; and (2) the city must generally release its remaining general orders; however, if the remaining general orders are the subject of previous rulings issued by this office, then, to the extent the law, facts, or circumstances on which the prior rulings were based have not changed, the city may continue to rely on those rulings as previous determinations and withhold or release the information at issue in accordance with them. We have no indication there has been any change in the law, facts, or circumstances on which Open Records Letter No. 2014-21606 was based. Accordingly, we conclude the city must rely on Open Records Letter No. 2014-21606 as a

previous determination and withhold or release the submitted information in accordance with that ruling. *See* Open Records Decision No. 673 (2001) (so long as law, facts, and circumstances on which prior ruling was based have not changed, first type of previous determination exists where requested information is precisely same information as was addressed in prior attorney general ruling, ruling is addressed to same governmental body, and ruling concludes that information is or is not excepted from disclosure). As we are able to make this determination, we do not address your argument against disclosure of the submitted 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,



Claire V. Morris Sloan
Assistant Attorney General
Open Records Division

CVMS/som

Ref: ID# 556554

Enc. Submitted documents

c: 2 Requestors
(w/o enclosures)

Mr. Adam A. Marshall
Ms. Hannah Bloch-Wehba
Reporters Committee for Freedom of the Press
1156 15th Street NW, Suite 1250
Washington, DC 20005
(w/o enclosures)