



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

September 9, 2015

Ms. Patricia M. Crawson
Chief Warrant Officer 2
Public Information Officer
Texas Military Forces
P.O. Box 5218
Austin, Texas 78763-5218

OR2015-18788

Dear Ms. Crawson:

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# 579094.

The Texas Military Forces ("TMF") received a request for eight categories of information pertaining to Operation Strong Safety. You state you will release some of the information. You claim portions of the submitted information are excepted from disclosure under sections 552.101 and 552.108 of the Government Code. Additionally, you state release of some of the submitted information may implicate the interests of the Texas Department of Public Safety ("DPS"). Accordingly, you state you notified DPS of the request for information and of its right to submit arguments to this office as to why the submitted information should not be released. *See Gov't Code § 552.304* (interested party may submit written comments stating why information should or should not be released). We have received comments from DPS. We have reviewed the submitted arguments and the submitted representative sample of information.¹

¹We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See Open Records Decision Nos. 499 (1988), 497 (1988)*. This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent those records contain substantially different types of information than that submitted to this office.

Section 552.108(b)(1) 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 . . . release of the internal record or notation would interfere with law enforcement or prosecution[.]” *Id.* § 552.108(b)(1); *see City of Fort Worth v. Cornyn*, 86 S.W.3d at 327 (Gov’t Code § 552.108(b)(1) protects information that, if released, would permit private citizens to anticipate weaknesses in police department, avoid detection, jeopardize officer safety, and generally undermine police efforts to effectuate state laws). The statutory predecessor to section 552.108(b)(1) protected information that would reveal law enforcement techniques. *See, e.g.*, Open Records Decision Nos. 531 (1989) (detailed use of force guidelines), 456 (1987) (information regarding location of off-duty police officers), 413 (1984) (sketch showing security measures to be used at next execution). The statutory predecessor to section 552.108(b)(1) was not applicable to generally known policies and procedures. *See, e.g.*, Open Records Decision Nos. 531 at 2-3 (Penal Code provisions, common-law rules, and constitutional limitations on use of force not protected), 252 at 3 (1980) (governmental body failed to indicate why investigative procedures and techniques requested were any different from those commonly known).

DPS contends the submitted information details “ongoing operations by the [d]epartment and other law enforcement agencies at the Texas border to protect, prevent, and respond to terroristic threats and other criminal activities.” DPS states revealing the submitted information “would provide wrong-doers, drug traffickers, terrorists, and other criminals with invaluable information concerning the efforts of law enforcement efforts at the Texas border, allowing these groups to identify vulnerabilities and avoid detection.” Further, DPS states portions of the information identify department personnel participating in operation Strong Safety, and “revealing this information would provide critical security information to those who would wish to do these persons harm and constrain the [department’s] efforts at the border.” Upon review, we find DPS has demonstrated release of the submitted information would interfere with law enforcement. Thus, TMF may withhold the submitted information under section 552.108(b)(1) of the Government Code.²

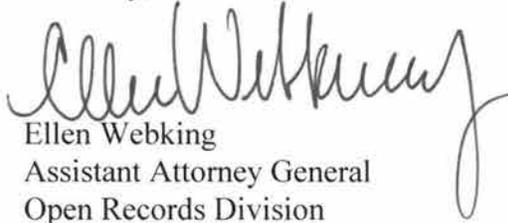
This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

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

²As our ruling is dispositive, we need not address TMF’s arguments against disclosure of this information.

providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Ellen Webking
Assistant Attorney General
Open Records Division

EW/akg

Ref: ID# 579094

Enc. Submitted documents

c: Requestor
(w/o enclosures)

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