



The Attorney General of Texas

JIM MATTOX
Attorney General

May 9, 1984

Supreme Court Building
P. O. Box 12548
Austin, TX. 78711-2548
512/475-2501
Telex 910/874-1367
Telecopier 512/475-0266

714 Jackson, Suite 700
Dallas, TX. 75202-4506
214/742-8944

4824 Alberta Ave., Suite 160
El Paso, TX. 79905-2793
915/533-3484

1001 Texas, Suite 700
Houston, TX. 77002-3111
713/223-5886

806 Broadway, Suite 312
Lubbock, TX. 79401-3479
806/747-5238

4309 N. Tenth, Suite B
McAllen, TX. 78501-1685
512/682-4547

200 Main Plaza, Suite 400
San Antonio, TX. 78205-2797
512/225-4191

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Mr. D. V. McKaskle
Acting Director
Texas Department of Corrections
P. O. Box 99
Huntsville, Texas 77340

Open Records Decision No. 413

Re: Whether a sketch showing
prison security measures for
a future execution is avail-
able to the public under the
Open Records Act

Dear Mr. McKaskle:

A newspaper reporter has asked you to release

a sketch showing security measures (pedestrian and
vehicle barricades) the Texas Department of
Corrections plans to put in place around the
Huntsville prison unit during the next scheduled
execution.

You claim that sections 3(a)(1) and 3(a)(8) of the Open Records Act,
article 6252-17a, V.T.C.S., authorize you to deny this request.

Section 3(a) of the Open Records Act provides that "information
collected, assembled, or maintained by governmental bodies . . . in
connection with the transaction of official business" is "public
information." In our opinion, the requested sketch is clearly within
the scope of section 3(a).

Section 3(a)(8) of the act excepts from required public
disclosure

records of law enforcement agencies that deal with
the detection and investigation of crime and the
internal records and notations of such law
enforcement agencies which are maintained for
internal use in matters relating to law
enforcement.

The Department of Corrections is a "law enforcement agency" within the
meaning of this section.

You contend that section 3(a)(8) is applicable in this instance
because the sketch shows

the deployment of law enforcement officers, security personnel and pedestrian and vehicle barricades for the next execution [and this] is one of those valid interests protected by the law enforcement exemption. During the last execution procedure, there were several crowd control incidents that taxed the ability of local law enforcement agencies to maintain order. Publication of the requested information would place in the hands of those who might wish to create unrest a tool to neutralize the effectiveness of law enforcement agencies charged with the responsibility of maintaining order.

We agree. The release of the requested sketch could seriously impair the ability of the Department of Corrections to maintain necessary order during the next scheduled execution. Executions are inherently volatile events. Effective crowd control is difficult enough even under the best of circumstances, and in our opinion such control would be made unreasonably difficult if a sketch showing planned security measures were released. We therefore conclude that this sketch constitutes an internal record of a law enforcement agency which is maintained for internal use in a matter relating to law enforcement within the meaning of section 3(a)(8), and that it may therefore be withheld from public disclosure.

Very truly yours



J I M - M A T T O X
Attorney General of Texas

TOM GREEN
First Assistant Attorney General

DAVID R. RICHARDS
Executive Assistant Attorney General

Prepared by Jon Bible
Assistant Attorney General

APPROVED:
OPINION COMMITTEE

Rick Gilpin, Chairman
Jon Bible
Colin Carl
Susan Garrison
Jim Moellinger
Nancy Sutton