



May 19, 1999

Mr. Jason C. Marshall
Nichols, Jackson, Dillard, Hager & Smith, L.L.P.
1800 Lincoln Plaza
500 North Akard
Dallas, Texas 75201

OR99-1386

Dear Mr. Marshall:

On behalf of the City of Coppell (the "city"), you ask this office to provide you with "a written explanation of the discrepancy between" Open Records Letter No. 99-0971 (1999) and previous rulings including Open Records Letter Nos. 98-2309 (1998) and 98-1458 (1998). Your request for clarification was assigned ID# 125553.

The city police department has received a number of requests for all documents relating to any criminal investigation of a particular individual. Your position is that the city should not be required to respond to these types of requests. You have argued that responding to these requests interferes with law enforcement efforts because individuals are able to use the Public Information Act to determine whether or not they are suspects in criminal investigations. In Open Records Letter Nos. 98-2309 and 98-1458, we concluded that the city was not required to respond to requests for all documents relating to criminal investigations of particular individuals. In Open Records Letter No. 99-0971, we stated that the city was not required to respond to a similar request because the city had no documents responsive to the request.

You ask for "an explanation of any change in policy which has occurred in [this] office with regard to the protection of information, the release of which would interfere with law enforcement operations and the safety of those involved in the investigation of criminal suspects." Please note that we addressed this issue in Open Records Letter No. 98-3268 (1998). In that ruling we stated:

We take this opportunity to note that in arguing that the city should not have to "respond" to a request for law enforcement information -- *i.e.* should not have to indicate whether information responsive to the request exists -- the city must make a particularized showing why its "responding" would interfere with law enforcement. Recitation of a generic argument such as you make here is, in our view, insufficient. Such a showing made in correspondence with this office, would of course be confidential to the extent that it tended to reveal information the city was legitimately seeking to protect by not "responding."

ORL 98-3268 n. 2. We determined that your arguments did not meet this standard in Open Records Letter No. 99-0971. If you have any questions about this ruling or any of the other rulings cited above, please contact our office.

Sincerely,

A handwritten signature in black ink that reads "Karen Hattaway". The signature is written in a cursive style with a large, prominent "K" and "H".

Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref.: ID# 125553

cc: Mr. R.G. Harrell
548 West Oak Grove
Coppell, Texas 75019