



July 13, 1999

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

OR99-1933

Dear Mr. Marshall:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 125771.

The Richardson Police Department (the “department”), which you represent, received a written request for various records in connection with a “red light violation ticket quota system” that was allegedly imposed on the department’s police officers. You state that much of the requested information has been made available to the requestor. You seek to withhold certain other information pursuant to section 552.108 of the Government Code, which generally protects information the release of which “would interfere with law enforcement or prosecution.”

One of the items sought by the requestor is the “name, rank, and assignment of all the Commissioned Police Officers presently employed by” the department. You state that the name and rank of each police officer has been released to the requestor. You seek to withhold the “assignment” of each officer, however, because

those involved in criminal activity could utilize this information to avoid detection and to concurrently place the safety of law enforcement officers at risk. For example, release of this information would reveal the identity of officers working in vice operations, undercover assignments or burglary details. On a basic level, releasing this information would allow the planning of criminal activity in a manner such as to avoid law enforcement activity, and on a more serious level, would open the door to possible harm of the officers themselves.

We have reviewed the list of police officers and their assignments that you submitted to this office. The general arguments you have made neither provide a basis for withholding all of the officer assignments nor for withholding all officers assigned to any particular division of the police department. We conclude that you have not adequately demonstrated to this office how the release of the information at issue would interfere with law-enforcement efforts and, therefore, that the department must release the officers' assignments to the requestor.

You also contend that all records pertaining to the department's investigation of the alleged quota system come under the protection of section 552.108. You have not explained how the investigation implicates possible criminal offenses committed by city officials. Consequently, this office is forced to conclude that any investigation being conducted by the department is administrative, as opposed to criminal, in nature. The "law-enforcement exception" is not applicable to internal affairs investigations where no criminal investigation takes place. *Morales v. Ellen*, 840 S.W.2d 519, 526 (Tex. App.--El Paso 1992, writ denied). Because you have not met your burden of demonstrating that the records at issue pertain to an active criminal investigation, we conclude that section 552.108 is inapplicable. The department must release the requested records to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/RWP/eaf

Ref.: ID# 125771

Encl. Submitted documents

cc: Ms. Susan L. Jones  
8303 Skillman Avenue, Apartment 138  
Dallas, Texas 75231  
(w/o enclosures)