



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 29, 1997

Ms. Janet M. Dill
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
Municipal Building
Dallas, Texas 75201

OR97-0971

Dear Ms. Dill:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 105619.

The City of Dallas (the "city") received an open records request for a video tape recording that was made during an inspection conducted by the city's S.A.F.E. Team at a particular location. You explain that the

S.A.F.E. Team [is] a division of the Dallas Police Department. . . .
S.A.F.E. Team was created to combat urban deterioration, by addressing health and safety concerns of the community, namely health code violations which can result in unnecessary fatalities. A team of fire and housing inspectors are pooled to comprise this team. Each citation issued from this team is heard in the Special Ordinance Court (meant to deal with the multiple violators.)

You contend the requested video tape is excepted from public disclosure pursuant to section 552.108 of the Government Code, which excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[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." Gov't Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). Because the video tape comes within the purview of section 552.108, we conclude that the city may withhold the tape under this section. Although section 552.108 authorizes the city to withhold the requested information, the city may choose to release all or part of the information at issue that is not otherwise confidential by law. *See* Gov't Code § 552.007.

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.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/RWP/ch

Ref.: ID# 105619

Enclosure: Video tape

cc: Mr. George Solares
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(w/o enclosure)