



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 4, 1998

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

OR98-1123

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# 114483.

The City of Dallas Police Department (the "police department"), which your office represents, received an open records request for "any/all Police documents regarding 'The Quarters Apartments' located at 6415 Melody Lane, Dallas, Tx. specifically any code type matters." In response to the request, you submitted to this office for review a representative sample of the records which you assert are responsive.¹ You have submitted arguments in support of a claim that the requested information is excepted from disclosure under section 552.108 of the Government Code.² We have considered the arguments you have raised and have reviewed the documents at issue.

¹We assume that 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 that those records contain substantially different types of information than that submitted to this office.

²Although in your letter to this office you contend that section 552.101 of the Government Code protects the requested records from required public disclosure, you have not explained why this exception applies to the records at issue nor could this office identify any information that is "considered to be confidential by law, either constitutional, statutory, or by judicial decision." Furthermore, based on your arguments to this office we infer that you only intended to raise section 552.108.

Section 552.108(a)(1) of the Government Code excepts from required public disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]” You explain that the records at issue are part of the evidence collected during an active investigation being conducted by the police department’s S.A.F.E. Team. 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 that can result in unnecessary fatalities. A team of fire and housing inspectors are pooled to comprise this team.

Because you state that the records at issue pertain to a pending criminal investigation, we conclude that you have met your burden of establishing that the release of the requested information at this time could interfere with law enforcement or prosecution. Therefore, at this time the police department may withhold most of the requested information at issue pursuant to section 552.108(a)(1).

We note, however, that section 552.108 does not except from required public disclosure “basic information about an arrested person, an arrest, or a crime.” Gov’t Code § 552.108(c). The police department must release these types of information in accordance with *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref’d n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).³

³A review of the submitted records also reveals the presence of driver’s license numbers. The Seventy-fifth Legislature added section 552.130 to the Open Records Act which governs the release and use of information obtained from motor vehicle records. Section 552.130 provides in relevant part as follows:

- (a) Information is excepted from the requirement of Section 552.021 if the information relates to:
 - (1) a motor vehicle operator’s or driver’s license or permit issued by an agency of this state[.]

We conclude that you must withhold the marked driver’s license information pursuant to section 552.130. Section 552.352 of the Government Code imposes criminal penalties for the release of confidential information.

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,

A handwritten signature in black ink that reads "Sam Haddad". The signature is written in a cursive style with a large, looping initial "S".

Sam Haddad
Assistant Attorney General
Open Records Division

SH/rho

Ref.: ID# 114483

Enclosures: Submitted documents

cc: Mr. Scott E. Parker
1349 Empire Central, No. 406
Dallas, Texas 75247
(w/o enclosures)



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 4, 1998

Mr. Randall L. Patterson
City Attorney
City of Brenham
P.O. Box 1059
Brenham, Texas 77834-1059

OR98-1124

Dear Mr. Patterson:

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# 115178.

The Brenham Police Department (the "department") received an open records request for a particular police offense report. You seek to withhold the requested information pursuant to sections 552.101, 552.103, 552.107, and 552.108 of the Government Code.

Section 552.108(a)(1) of the Government Code excepts from required public disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime." Because you state that the records before us pertain to a pending criminal investigation, we generally agree that section 552.108(a)(1) is applicable in this instance.

We note, however, that section 552.108 does not except from required public disclosure "basic information about an arrested person, an arrest, or a crime."¹ Gov't Code § 552.108(c). Consequently, the department must release from the offense report the basic information about the offense and arrest in compliance with *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975),

¹We also note that the "basic information" may not be withheld pursuant to the other exceptions you have claimed.

writ ref'd n.r.e. per curiam, 536 S.W.2d 559 (Tex. 1976). The department may withhold the remaining information at this time pursuant to section 552.108(a)(1).²

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,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/RWP/ch

Ref.: ID# 115178

Enclosures: Submitted documents

cc: Mr. F. James Payton
S.P.N. #97003531
Washington County Detention Center
1206 Old Independence Road
Brenham, Texas 77833
(w/o enclosures)

²Because we resolve your request under section 552.108, we need not address the other exceptions you have raised.