



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 16, 1998

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

OR98-1687

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# 116795.

The City of Dallas Police Department (the "department") received an open records request for information pertaining to building or fire code violations at 6415 Melody Lane. You explain that the records at issue are part of the evidence collected during an investigation being conducted by the city's S.A.F.E. Team. The S.A.F.E. Team is a division of the Dallas Police Department that was created to combat urban deterioration, by addressing health and safety concerns of the community, namely health and housing code violations. A team of fire and housing inspectors are pooled to comprise this team. Each citation issued from this team is heard in the city's Special Ordinance Court. You seek to withhold the requested information pursuant to section 552.108 of the Government Code.<sup>1</sup>

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 at issue pertain to a pending criminal investigation, we conclude that you have

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<sup>1</sup>Although you also 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."

met your burden of establishing that the release of the requested information at this time could interfere with law enforcement or prosecution. The department, therefore, may withhold most of requested the information at issue at this time pursuant to section 552.108(a)(1) of the Government Code.

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). Because you have raised no other exception to disclosure, the department must release the issued citations regarding each of the code violations 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).

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



Sam Haddad  
Assistant Attorney General  
Open Records Division

SH/RWP/mjc

Ref.: ID# 116795

Enclosures: Submitted documents

cc: Mr. Jeff Fairchild  
11011 McCormick Rd.  
Baltimore, Maryland 21031  
(w/o enclosures)