



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 19, 1998

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

OR98-0758

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# 113790.

The City of Dallas Code Enforcement Department (the "city") received an open records request for the records pertaining to the Woodtrail Apartments.¹ 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.²

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

¹The requestor also seeks the city's records pertaining to a particular drowning death. This office could discern no such records among those you submitted to this office.

²Although 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."

interfere with the detection, investigation, or prosecution of crime.” Because you state that the records at issue pertain to a pending criminal investigation and prosecution, 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. The city, therefore, may withhold most of requested the information at issue at this time 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). Because you have raised no other exception to disclosure, the city 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 also note that among the documents submitted to this office is a “Special Warranty Deed and Bill of Sale” that has been filed with the Dallas County Clerk’s Office. The “law enforcement” exception was not intended by the legislature to shield from public view information in the hands of police units that, absent special law enforcement needs or circumstances, would ordinarily be available to the public if possessed by a different governmental unit. Open Records Decision No. 287 (1981) at 2. Because the warranty deed is available for public viewing in the county clerk’s office, the city may not withhold this document pursuant to section 552.108.

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, appearing to read "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/RWP/rho

Ref.: ID# 113790

Enclosures: Submitted documents

cc: Mr. S. Craig Smith
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(w/o enclosures)