



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 26, 1998

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

OR98-1557

Dear Ms. Dill:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 116185.

The City of Dallas Police Department (the "city") received an open records request for "copies of all records of any and all inspections conducted by employees or representatives of [the city] on the property located at 6361 Trail Glen Drive, along with copies of any and all citations and or notices given to tenants, owner, or manager of the apartment complex." In response to the request, you submit to this office for review the records which you assert are responsive. You state that "[w]e have released copies of all documents requested under the '1995' investigation of the property." However, you explain that the submitted 1998 investigation records are part of the evidence collected during an investigation conducted by the city's S.A.F.E. Team. You seek to withhold the requested information pursuant to section 552.108 of the Government Code.<sup>1</sup>

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,

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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."

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.

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." 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). In this instance, since the submitted information at issue provides the type of basic information that is not excepted from disclosure under section 552.108(c), the claimed exception to disclosure is inapplicable. Because you have raised no other applicable exception to disclosure, the city must release the requested 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).

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# 116185

Enclosures: Submitted documents

cc: Mr. Derek S. Sherrill  
Remington & Jeffrey  
1306 W. Abram  
Dallas, Texas 76013-1711  
(w/o enclosures)