



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTON
ATTORNEY GENERAL

August 16, 1990

Mr. Ronald J. Neiman
City Attorney
City of Lewisville
P.O. Box 777
Lewisville, Texas 75067

OR90-381

Dear Mr. Neiman:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 9085.

The City of Lewisville received a request for: "the number of complaints received by Lewisville police between October 1, 1989 and February 25, 1990, about area bars." The requestor asks that the complaints be classified according to various categories, e.g. serving alcohol to minors, fights, public intoxications, etc. In addition, the requestor seeks a breakdown, by establishment, of the number of "bar checks, walk-throughs, and calls for service," and the number and types of arrests resulting from them during the same time period.

You indicate that the city considers the information public, but you claim that the city does not possess the information requested in the form the requestor seeks it, i.e. statistics by categories or a list of the number of complaints, breakdown of service calls requested for each establishment, or a list of the number and type of arrests made as a result of specific service calls. Rather, the city maintains a set of index cards which include the type of information requested, but which also may contain other information that the city considers to be excepted by law from disclosure, or disclosure of which would violate a person's common-law right to privacy, including juvenile reports, reports of attempted suicides, and reports of sexual crimes. The cards indicate the duty watch, the date, the location of the offense, the time received, time arrived, time disposed of, time cleared, the complaint's name, the name and address of establishment involved, the

nature of the call, the offense or incident number, the phone number, the means by which the complaint was received, the code, the disposition of the complaint, the officer assigned, the disposition and by whom, and a brief handwritten narrative of the complaint.

You cite no specific exception to disclosure of the information requested. Rather you inquire whether you must answer fact questions made to you, or compile or classify public information in a manner requested by the requestor.

Although some compilation of information may be required, the city is not required to provide information in a particular format requested by a requestor. See Attorney General Opinion JM-672 (1987); Open Records Decision Nos. 458 (1987); 347, 342 (1982); 145 (1976). You indicate that you believe some information on the cards might be protected by statute (e.g. law enforcement information relating to juveniles) or common-law privacy. Questions relating to common-law privacy are necessarily factual and can only be resolved on a case by case basis, while law enforcement files relating to juveniles may be released only to statutorily specified parties. See Open Records Decision No. 394 (1983).

In Open Records Decision No. 127 (1976), this office addressed the availability of arrest-related information. The call cards here are analogous to the police blotter, show-up sheet and/or arrest sheets that were held to be open to the public in that decision. The information found to be open included the location of the offense, the identification and description of the complaint, the arrestee's name, race, and age, identities of arresting officers, offense for which suspect was arrested, booking information, details of arrest, and the charge, among other information. All of this information held to be public is found on the call cards at issue here.

In Open Records Decision No. 394, police department "radio cards" describing all calls answered by a police department in a given period were held to be open. As noted however, information relating to juveniles or sex-crime victims are confidential and should not be released. See Open Records Decision No. 393 (1983); 339 (1982) (names of victims of serious sexual offense protected by common-law right of privacy). Therefore, information tending to reveal the identities of juveniles offenders or victims of serious sexual offenses may be deleted from the call cards. We have marked one of the sample cards accordingly. You submitted some cards with deletions of the names of juveniles