



Office of the Attorney General
State of Texas

August 23, 1993

DAN MORALES
ATTORNEY GENERAL

Jack Q. Barton
Sherman County Attorney
P.O. Box 986
Stratford, Texas 79084

OR93-541

Dear Mr. Barton:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, V.T.C.S. article 6252-17a. Your request was assigned ID# 20959.

The Sherman County Sheriff received an open records request for daily access to "the Sherman County jail log, radio log (also known as police blotter), and daily arrest sheets maintained by the sheriff's department." You inform this office that the open records request was made in connection with the shooting of a Department of Public Safety trooper and that the sheriff has "turned over to the Texas Rangers" all of his records pertaining to the shooting. You further inform this office that the requestor has received "all of the pertinent information" from another source and that "[t]here are no other arguments for withholding the documents."

This office, however, has confirmed with the requestor that although she has received from the Department of Public Safety the records she had sought in connection with the shooting, she still seeks from the sheriff's department daily access to the jail log, radio log, and arrest sheets. You have not argued that these records are excepted from required public disclosure under the Open Records Act, and we note that the types of information typically contained in these types of records have been held to constitute public information. *See Houston Chronicle Publishing Co. 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). Attached to this letter is a summary of the types of information held by law enforcement agencies that generally must be made available to the public. *But see* Open Records Decision No. 339 (1982) (enclosed). These types of information generally must be made public, regardless of the particular document in which they are contained. *See, e.g.*, Open Records Decision No. 611 (1992) (copy enclosed).

We next address whether the sheriff must grant "daily access" to the requested information. This office has previously held that a governmental body need not comply with a standing request to provide information on a "periodic" basis." *See, e.g.*, Open Records Decision Nos. 476, 465 (1987). Nor must the governmental body treat a request as embracing information prepared *after* the request was made. Open Records Decision No. 452 (1986). However, section 4 of the Open Records Act provides in pertinent part that "[o]n application for *public information* to the officer for public records in a governmental body by any person, *the officer for public records shall promptly produce such information* for inspection or duplication, or both, in the offices of the governmental body." *See also City of Houston v. Houston Chronicle Pub. Co.*, 673 S.W.2d 316, 323 (Tex. App.--Houston [1st Dist.] 1984, no writ).

Although the Open Records Act does not require the sheriff to grant daily access to the jail log, radio log, and arrest sheets in the absence of a written request, neither does the act require the sheriff to receive a written request as a prerequisite to the release of public information. Section 7(a) of the act provides

If a governmental body receives a written request *for information which it considers within one of the exceptions stated in Section 3 of this Act*, but there has been no previous determination that it falls within one of the exceptions, the governmental body within a reasonable time, no later than ten calendar days, after receiving a written request must request a decision from the attorney general to determine whether the information is within that exception. If a decision is not so requested, the information shall be presumed to be public information. (Emphasis added.)

Section 7(a) requires that governmental bodies receive a written request for information as a prerequisite for the governmental bodies' request for an open records decision as to whether particular information may be withheld from the public. In Open Records Decision No. 304 (1982) this office determined that Section 7(a) of the Open Records Act does not require a governmental body to produce information in the absence of a *written* request. Consequently, except in those circumstances discussed in Open Records Decision No. 339, the sheriff, if he so chooses, may grant access to the requested documents on a daily basis without requiring the requestor to present a written request.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Hamilton Guajardo
Assistant Attorney General
Open Government Section

KHG/RWP/jcc

Ref.: ID# 20959
ID# 21259

Enclosures: Attachment
Open Records Decision Nos. 339, 611

cc: Ms. Kerry Haglund
7501 Seville No. 236
Amarillo, Texas 79121
(with attachment)

I. TYPES OF INFORMATION AVAILABLE TO THE PUBLIC

1. Arrestee's social security number, name, aliases, race, sex, age, occupation, address, police department identification number, and physical condition.
2. Offense for which suspect arrested.
3. Identification and description of complainant
4. Location of crime
5. Time of occurrence
6. Vehicle involved
7. Property involved
8. Detailed description of offense
9. Name of arresting officers
10. Date and time of arrest
11. Place of arrest
12. Details of arrest
13. Description of weather
14. Booking information
15. Court in which charge is filed
16. Notation of any release or transfer
17. Bonding information
18. Numbers for statistical purposes relating to modus operandi of those apprehended

II. TYPES OF INFORMATION PROTECTED BY SECTION 3(A)(8) DURING PENDENCY OF CRIMINAL INVESTIGATION

1. Identification and description of witnesses
2. Synopsis of confession
3. Officer's speculation as to suspect's guilt
4. Officer's view of witness credibility
5. Statements by informants
6. Ballistics reports
7. Fingerprint comparisons
8. Blood and other lab tests
9. Results of polygraph test
10. Refusal to take polygraph test
11. Paraffin test results
12. Spectrographic or other investigative reports
13. Personal History and Arrest Record, including
 - A. Identifying numbers (such as TDC numbers)
 - B. Physical description with emphasis on scars and tattoos
 - C. Marital status and relatives
 - D. Mugshots, palm prints, fingerprints, and signature
 - E. Chronological history of any arrests and disposition

See Open Records Decision No. 127 (1976).