



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 31, 1994

Mr. Clyde R. Leuchtag
Assistant County Attorney
Harris County
1001 Preston, Suite 634
Houston, Texas 77002-1891

OR94-142

Dear Mr. Leuchtag:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code (former article 6252-17a, V.T.C.S.).¹ Your request was assigned ID# 19316.

A Harris County constable received the following open records request from an on-line subscriber to the Harris County Justice Information Management System ("JIMS"), a computer information retrieval system:

My understanding is that your office enters criminal information into JIMS from the Harris County JP's which results in a Special Person Number (SPN) being assigned to the defendant. This information, as well as information on SPN's originated by other Harris County agencies, is available to all subscribers system-wide. However, when a JP filing is involved we are able to see the individual and the assigned SPN, but denied access to the information of what the criminal charge was and the court of filing.

You state that Harris County constables receive information about outstanding arrest warrants from the Justice of the Peace ("JP") courts. Each constable enters this information into the system from the JP courts in his precinct. You told our office that you have informed the requestor that information about outstanding arrest warrants is

¹We note that the Seventy-third Legislature repealed V.T.C.S. article 6252-17a. Acts 1993, 73d Leg., ch. 268, § 46. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

the only type of criminal history information entered into the system from the JP courts. *See* Open Records Decision No. 483 (1987) at 2 (Open Records Act does not require preparation of new information).

Information about outstanding arrest warrants is kept on the system in a file that is closed to the public but accessible by law enforcement entities such as police departments. Law enforcement entities can make warrant inquiries through JIMS to see if there is an outstanding warrant on an individual. You contend that this information is protected by section 552.108, which protects law enforcement records related to ongoing investigations. You state that disclosing outstanding arrest warrants "would interfere with law enforcement because those about to be arrested could more easily evade arrest."

You may withhold information about outstanding arrest warrants under section 552.108, as the warrants concern ongoing criminal investigations. Open Records Decision Nos. 313 (1982); 287 (1981). Public disclosure of outstanding arrest warrants could interfere with law enforcement efforts. A review of the printout you supplied showing a sample warrant inquiry indicates, though, that some of the information provided is public. Certain basic information about a suspect and the offense with which he is charged is public information. *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); *Heard v. Houston Post Co.*, 684 S.W.2d 210 (Tex. App.--Houston [1st Dist.] 1984, *writ ref'd n.r.e.*); Open Records Decision Nos. 597 (1991); 366 (1983); 127 (1976). However, if the present JIMS system is not equipped to selectively make public information available without disclosing the outstanding arrest warrants, you are not required to change the current system to create such a capability. Open Records Decision Nos. 572, 555 (1990) (act does not require the creation or preparation of new information).²

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,



Ruth H. Soucy
Assistant Attorney General
Open Government Section

RHS/rho

²The public information that is part of the JIMS warrant inquiry may already be readily available to the requestor in other records and formats. *See* Open Records Decision No. 364 (1983) at 2.

Ref.: ID# 19316
ID# 19643

Enclosures: Submitted documents

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