



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 23, 1996

Mr. Robert E. Diaz  
Police Legal Advisor  
City of Arlington  
Police Department  
P.O. Box 1065  
Arlington, Texas 76004-1065

OR96-0781

Dear Mr. Diaz:

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# 28432.

The Arlington Police Department (the "department") received an open records request for the names and addresses of certain apartment complexes where several unsolved sexual assaults have occurred. Although you contend that the location that the sexual assaults occurred come under the protection of sections 552.103 and 552.108, you have not demonstrated any particular reason for withholding the requested information pursuant to these two exceptions, especially in light of previous court decisions and open records decisions holding that the location of criminal offenses are generally public information. *See, e.g., 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); Open Records Decision No. 127 (1976) at 4. *But see* Open Records Decision No. 409 (1984) (information typically found on front page of offense report may be withheld under law-enforcement exception upon demonstration that release of information would unduly interfere with law enforcement). Because you have not met your burden in demonstrating why these two exceptions protect the requested information, we have no basis for concluding that the exceptions apply. *See* Open Records Decision No. 363 (1983).

You also contend that the address of the apartment complexes are deemed confidential by law and thus must be withheld from the public pursuant to section 552.101 of the Government Code. You explain that three of the assault victims have utilized pseudonym forms established under chapter 57 of the Code of Criminal

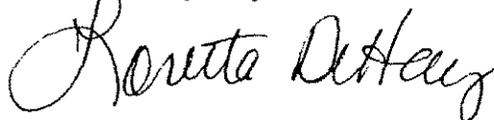
Procedure. Article 57.02 of the code provides for the confidentiality of information revealing, *inter alia*, the address of sexual assault victims who have elected to choose a pseudonym to be used instead of their real name in all public files and records concerning the offense. Further, article 57.03 provides criminal penalties for any "public servant" who "intentionally or knowingly discloses the . . . address . . . of the victim to any person who is not assisting in the investigation or prosecution of the offense or to any other person other than the defendant, the defendant's attorney, or the person specified in the order of a court of competent jurisdiction."

The individual requesting the name of the apartment complexes contends that the apartment complexes are of such a large size that the release of the complex names would not constitute a release of the victims' actual home address. The requestor's argument seems reasonable: if in fact the apartment complexes are of a substantial size, this office does not believe that the release of the apartment complex names would be tantamount to releasing the home address of the assault victims or would otherwise reveal in any meaningful way the identity of the victims. However, this office cannot resolve disputed issues of fact, and we have been presented with no evidence as to the actual size of the apartment complexes at issue. Consequently, we cannot conclude as a matter of law that in this instance the release of the street address of the complexes would *necessarily* reveal the actual home address of the assault victims so as to constitute a violation of article 57.03. We can only reasonably conclude that article 57.03 would be violated only in those instances where the release of this type of information would make the identity of the victim easily traceable.

You also contend the requested information comes under the protection of section 552.101 in accordance with prior decisions of this office holding that any information tending to reveal the identity of victims of serious sexual offenses must be withheld under common-law privacy. See Open Records Decision Nos. 393 (1983), 339 (1982). However, as discussed above, whether the release of the name of the apartment complexes would in this instance tend to reveal the identity of the assault victims must be determined on a case-by-case basis and depends upon facts not currently before us.

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,



Loretta R. DeHay  
Assistant Attorney General  
Open Records Division

LRD/RWP/rho

Ref.: ID# 28432

Enclosures: Submitted documents

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