



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 14, 1997

Mr. Ray Rike
Assistant District Attorney
Tarrant County District Attorney's Office
401 W. Belknap
Fort Worth, Texas 76196-0201

OR97-0359

Dear Mr. Rike:

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# 104145.

The Tarrant County Sheriff's Department (the "department"), which you represent, received an open records request for all jail intake documents, as well as the jail visitor lists, for David Graham and Diane Zamora. You state that the department has released to the requestor some of the requested records.¹ You contend that other records are excepted from required public disclosure pursuant to sections 552.101, 552.103 and 552.108 of the Government Code.²

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." In Open Records Decision No. 430 (1985), we reached the following conclusion:

¹We assume the department has made available to the requestor all of the jail records that were held to be public in *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).

²Because we resolve your request under sections 552.101 and 552.108, we need not address the applicability of the other exception you have raised.

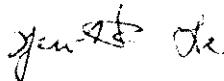
Recent cases establish that inmates have at least a qualified constitutional right to visit with outsiders and suggest that the converse is also true. . . . In our opinion, the release of visitor lists could compromise those rights. . . . We therefore conclude that an inmate's visitor lists are excepted under section 3(a)(1) [predecessor to Gov't Code § 552.101] as information deemed confidential by constitutional law.

Id. at 6 (citations omitted). In accordance with Open Records Decision No. 430 (1985), the department must withhold the visitor lists and all other notations reflecting the inmates' visitors pursuant to section 552.101 of the Government Code.

You contend the remaining records at issue are excepted from public disclosure by section 552.108 of the Government Code, which excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). The records you seek to withhold consist of the following: various inmate classification forms, prisoner property records, and TCIC/NCIC information. These records clearly are "internal record[s] . . . of a law enforcement agency . . . that [are] maintained for internal use in matters relating to law enforcement. . . ." We therefore conclude that these records may be withheld from the public pursuant to section 552.108.

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,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/RWP/rho

Mr. Ray Rike - Page 3

Ref.: ID# 104145

Enclosures: Submitted documents

cc: Mr. Robert Tharp
Reporter
Arlington Star-Telegram
1111 West Abram
Arlington, Texas 76013
(w/o enclosures)

