



May 9, 2000

Ms. Kristi LaRoe  
Assistant District Attorney  
County of Tarrant  
401 W. Belknap  
Fort Worth, Texas 76196-0201

OR2000-1800

Dear Ms. LaRoe:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 135099.

The Tarrant County Sheriff's Department (the "sheriff") received a written request for information pertaining to a particular DWI arrest. You state that the sheriff has released the "first-page" information from the offense report in accordance with *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). See Gov't Code § 552.108(c). You contend that the remaining requested information is excepted from required public disclosure pursuant to section 552.108(a)(1) of the Government Code.

Section 552.108(a)(1) of the Government Code excepts from required public disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime." Based on your representation that the sheriff is actively investigating the DWI, we conclude that you have met your burden of demonstrating the applicability of section 552.108(a)(1) and that the sheriff may withhold most of the requested information at issue.

We note, however, that you have also submitted as responsive to the request information pertaining to the arrestee's incarceration. Certain jail house information is generally considered public. *Houston Chronicle*, 536 S.W.2d at 559; Open Records Decision No. 127 (1976). For your convenience, we have attached a list of the types of information that may not be withheld from the public. Although section 552.108 authorizes the sheriff to withhold the remaining requested information, the sheriff may choose to release all or part of the information at issue that is not otherwise confidential by law. See Gov't Code § 552.007.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Kathryn S. Knechtel  
Assistant Attorney General  
Open Records Division

KSK/RWP/ljp

Ref: ID# 135099

Encl. Submitted documents  
Attachment

cc: Mr. David E. Carfrey  
P.O. Box 590  
Crowley, Texas 76036  
(w/o enclosures)

**SUMMARY OF OPEN RECORDS DECISION NO. 127 (1976)**

**I. TYPES OF INFORMATION AVAILABLE TO THE PUBLIC (FRONT PAGE OFFENSE REPORT INFORMATION)**

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 552.108 IN ACTIVE INVESTIGATIONS**

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 that includes
  - A. Identifying numbers (such as TDCJ 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).