



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 14, 1995

Ms. Detra Hill
Assistant City Attorney
Supervisor, Criminal and Police Division
City of Dallas
City Hall
Dallas, Texas 75201

OR95-762

Dear Ms. Hill:

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# 33470.

The City of Dallas (the "city") received a request for information relating to the requestor's arrest. You indicate that you have released the front page of the offense report, but you contend that the remaining information is excepted from required public disclosure under section 552.108 of the Government Code.

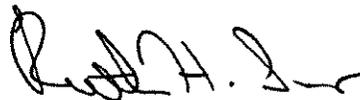
During the pendency of a criminal investigation, law enforcement agencies may generally withhold all information gathered during the course of the investigation. Open Records Decision No. 127 (1976). Certain factual information generally found on the front page of police offense reports, however, is public even during an active investigation. *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 3-4 (listing factual information available to public).

You claim that the requested information "if released, will compromise an ongoing police investigation." Although you agree that the front page of the offense report must be released under *Houston Chronicle Publishing Co.*, we remind the city that it is the type of information that is determinative of its disposition under *Houston Chronicle Publishing Co.*, not the location of the information. Furthermore, an officer's

narrative of the offense is public information. Open Records Decision Nos. 354 (1982), 127 (1976) at 3-4, 9. The front page of the offense report in question does not contain a narrative. The city, therefore, has not fully complied with the mandates of the *Houston Chronicle Publishing Co.* case. The city must release all of the information specified as public by the *Houston Chronicle Publishing Co.* case even if the information is not on the *front page* of the offense report. For your convenience, we have enclosed a copy of Open Records Decision No. 127 (1976). Accordingly, the requested information may be withheld under section 552.108 once the public information listed in Open Records Decision No. 127 (1976) has been released.¹

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 under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Government Section

RHS/LBC/rho

Ref: ID# 33470

Enclosures: Open Records Decision No. 127 (1976)
Submitted documents

cc: Mr. Robert Montoya
1021 Birchwood
Garland, Texas 75043
(w/o enclosures)

¹One document appears to be an unsigned copy of a probable cause affidavit for an arrest warrant. We note that under article 15.17(a) of the Code of Criminal Procedure, the individual who is arrested must be informed by a magistrate "of the accusation against him and of any affidavit filed therewith."