



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 22, 1997

Ms. Tatia R. Randolph
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
Municipal Building
Dallas, Texas 75201

OR97-1188

Dear Ms. Randolph:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 106318.

The City of Dallas Police Department (the "city"), which your office represents, received a request for "information on the suspects apprehended on Police Report #1176487-E and #1176460-E." In response to the request, you submitted to this office for review a copy of one arrest report which you contend is responsive to the request.¹ You state that the department will make the public information portion of the arrest report available to the requestor. However, you assert that the remaining information may be withheld from disclosure pursuant to section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108 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). You assert that the requested information relates to a pending investigation or prosecution of criminal allegations. Since the records at issue come within the purview of section 552.108, we conclude that most of the information at issue may be withheld under this section.

¹We note that your office did not submit any documents in response to the request for information about the report identified by the requestor as "# 1176460-E." Based on your letter requesting a ruling from our office, we understand that arrest report number 1176487-E is the only responsive record.

We note, however, that information normally found on the front page of an offense report, including a detailed description of the offense, is generally considered public.² *Houston Chronicle Publ'g 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). Thus, the city must release the types of information that are considered to be front page offense report information, even if this information is not actually located on the front page of the report. Therefore, except for front page offense report information, section 552.108 of the Government Code excepts the requested record from required public disclosure. Although section 552.108 authorizes the city to withhold the remaining information from disclosure, the city 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.*

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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Sam Haddad
Assistant Attorney General
Open Records Division

SH/rho

Ref.: ID# 106318

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

cc: Mr. Wayne Rowlett, Claim Specialist
State Farm Mutual Automobile Insurance Company
State Farm Claims Office
P.O. Box 115006
Carrollton, Texas 79105-9158
(w/ Summary of Open Records Decision No. 127 (1976))

¹The content of the information determines whether it must be released in compliance with Houston Chronicle, not its literal location on the first page of an offense report. Open Records Decision No. 127 (1976) contains a summary of the types of information deemed public by Houston Chronicle. For your convenience, we have attached a list of the types of information the city must release from the submitted record.