



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 26, 1997

Ms. Barbara G. Heptig
Assistant City Attorney
City of Arlington
P.O. Box 231
Arlington, Texas 76004-0231

OR97-1453

Dear Ms. Heptig:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 106846.

The City of Arlington (the "city") received a request for "a copy of the incident report with narrative of the April 1 arrest of Erich Schlegel at the Ballpark in Arlington." You state that a copy of the arrest report, "less the narrative," has been provided to the requestor. You ask whether the narrative portion of the report is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the report at issue.

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). However, information normally found on the front page of an offense report, including a detailed description of the offense, is generally considered public.¹ *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).

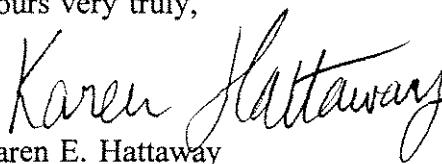
We note that the arrest report, "less the narrative," does not contain a detailed description of the offense. With this in mind, we conclude that, except for front page offense report

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*.

information to include a detailed description of the offense, section 552.108 excepts the report from required public disclosure. For your convenience, we have included a summary of Open Records Decision No. 127 (1976) which shows the types of information that may and may not be withheld under section 552.108. Of course, you may choose to release all or part of the information in the report that is not otherwise confidential by law. 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 upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 106846

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

cc: Kaylois Henry
Dallas Observer
P.O. Box 190289
Dallas, Texas 75219
(w/o Submitted documents, w/ Summary of Open Records Decision No. 127 (1976))