

January 20, 1999

Ms. Michelle Mitchell  
Police Records Technician  
North Richland Hills Police Department  
P.O. Box 820609  
North Richland Hills, Texas 76182-0609



OFFICE OF THE  
ATTORNEY GENERAL  
STATE OF TEXAS

— \* —  
JOHN CORNYN  
Attorney General

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P.O. Box 12548  
Austin, Texas  
78711-2548  
(512) 463-2100  
www.oag.state.tx.us

OR99-0144

Dear Ms. Mitchell:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121223.

The City of North Richland Hills (the "city") received a request for information relating to the arrest of Eva Mae Cimino. You indicate that you have supplied part of the responsive information but seek to withhold a portion of the information, contending that it is excepted from public disclosure by section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the documents at issue.

Section 552.108 of the Government Code, reads in pertinent part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

- (1) release of the information would interfere with the detection, investigation, or prosecution of crime;
- (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication;

...

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

You state that the requested information relates to a case that was set for trial July 20, 1998. If this case did not result in conviction or deferred adjudication the subject information may be withheld pursuant to section 552.108(a)(2). Alternately, if the prosecution of this case has not concluded, the release of the reports interferes with the detection, investigation, or prosecution of crime. Govt. code §552.1008(1)(1). *See 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) (court delineates law enforcement interests that are present in *active* cases). If neither of these conditions has occurred, the information is not excepted from disclosure by section 552.108 and it must be released.

You have represented that you have released “the public information found on the front page of the offense and arrest report.” Please note that information normally found on the front page of an offense report is generally considered public. *See generally* Gov't Code § 552.108(c); *Houston Chronicle*, 531 S.W.2d 177; Open Records Decision No. 127 (1976). This includes a detailed description of the offense and arrest, even if that information is not actually located on the front page of the offense report. In Open Records Decision No. 127 (1976), this office summarized the front page information of an offense report.

Although, section 552.108(a)(1) may authorize you to withhold the remaining information from disclosure, you 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 upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Michael J. Burns  
Assistant Attorney General  
Open Records Division

MJB/ch

Ref: ID# 121223

Enclosures: Submitted documents

cc: Mr. Robert Lynn Cimino  
7168 New Castle Place  
North Richland Hills, Texas 76180  
(w/o enclosures)