



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 15, 1996

Mr. John Allen Jr.  
Chief of Police  
City of Celina  
P.O. Drawer D  
Celina, Texas 75009

OR96-1463

Dear Mr. Allen:

You have asked 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# 100724.

The City of Celina (the "city") received a request for the public information portions of police records relating to a particular arrest. You state that you have provided the requestor with the first page of an offense report and a portion of a custody report. You assert that the other information at issue is excepted from disclosure pursuant to section 552.108 of the Government Code.<sup>1</sup>

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*, 39 Tex. Sup. Ct. J. 781, 1996 WL 325601 (June 14, 1996). However, the type of information normally found on the front page of an offense report is generally considered public. *See generally 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).

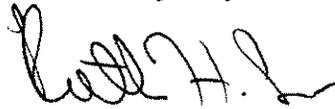
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<sup>1</sup>The requestor specifically asked for information concerning a search warrant. We assume that the city does not have such information, as it was not submitted to this office for review. We note that article 18.01(b) of the Code of Criminal Procedure specifically provides that an affidavit for a search warrant is public information if a warrant was executed.

You must release the type of information that is considered to be front page offense report information, even if this information is not actually located on the front page of the report.<sup>2</sup> The *type* of information must be examined rather than whether it is actually located on the front page. See Open Records Decision No. 127 (1976) at 5. We note that the pages provided to the requestor do not appear to contain all of the information that is generally considered to be public. We have enclosed a summary of the type of information that is generally considered public. The other information at issue may be withheld from disclosure pursuant to section 552.108.<sup>3</sup>

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 may 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,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref.: ID# 100724

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

cc: Mr. Paul Stuckle  
112 S. Kentucky Street  
McKinney, Texas 75069  
(w/o enclosures)

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<sup>2</sup>You have also asserted that section 552.103(a) is applicable to the information at issue. We note that section 552.103(a) cannot be invoked to withhold from disclosure front page type information, as this information should have already been provided to a defendant by a magistrate or in an indictment. Open Records Decision No. 597 (1991).

<sup>3</sup>We note that you may choose to release all or part of the information at issue that is not otherwise confidential by law. Gov't Code § 552.007.