



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 16, 1996

Mark Sokolow
City Attorney
City of Port Arthur
P.O. Box 1089
Port Arthur, Texas 77641-1089

OR96-1473

Dear Mr. Sokolow:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101088.

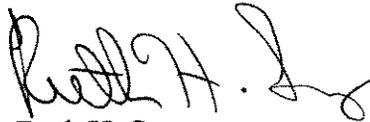
The City of Port Arthur has received a request for information concerning a named individual's arrest. You informed this office that you have provided the requestor with the basic, front page type information concerning the arrest and a copy of the probable cause for arrest affidavit. You contend that the other information responsive to the request may be withheld from disclosure pursuant to section 552.108 of the Government Code.

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). We note, however, that information normally found on the front page of an arrest or offense report is generally considered public and must be disclosed. *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). As you have already released to the requestor the front page type information concerning the arrest, section 552.108 of the Government Code excepts from disclosure the remaining information.¹

¹You also have the discretion to release all or part of the information at issue. 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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 101088

Enclosures: Submitted documents

cc: Mr. Steve Carlton
Carlton, Clayton & Associates
805 Henderson
Orange, Texas 77603
(w/o enclosures)