



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 13, 1996

Mr. Rex McEntire
City Attorney
City of North Richland Hills
P.O. Box 820609
North Richland Hills, Texas 76182-0609

OR96-2388

Dear Mr. McEntire:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 102530.

The City of North Richland Hills (the "city") received a request for all information "pertaining to the arrest of Borhan Dalloul for public lewdness." You have released copies of the arrest report and arrest warrant to the requestor. However, you contend that the remainder of the case file is excepted from disclosure pursuant to sections 552.101, 552.102, and 552.108 of the Government Code.

Section 552.102 of the Government Code excepts from disclosure "information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." The information at issue here is part of a criminal case file, not a public employee's personnel file. Therefore, section 552.102 is inapplicable to the information.

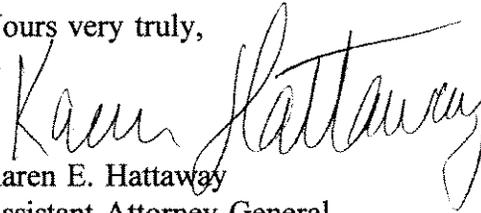
Section 552.108 of the Government Code excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal 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). We note, however, that information normally found on the front page of an offense report is generally considered public. *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). Nevertheless, in special circumstances, front page offense report information may also be withheld from disclosure. *See* Open Records Decision Nos. 297 (1981), 169 (1977). You have informed us of extenuating circumstances that you believe necessitate the withholding of the front page offense report information that identifies the victim complainant.

We agree that this identifying information should be withheld from disclosure. Of course, section 552.108 also provides that you may withhold from disclosure all of the other information in the case file that is not the type of information normally found on the front page of an offense report.

Finally, we have considered whether section 552.101 of the Government Code protects any of the front page offense report information that is not excepted from disclosure due to special circumstances. We conclude that, with the exception of the information that identifies the victim complainant, the front page offense report information is not excepted from disclosure and, therefore, must be released to the requestor.

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# 102530

Enclosures: Submitted documents

cc: Ms. Francesca M. Hayes
6102 Glenview Drive #2
North Richland Hills, Texas 76180
(w/o enclosures)