



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 7, 1997

Ms. Felicia Wasson
Assistant City Attorney
Dallas Municipal Building
Dallas, Texas 75201

OR97-1055

Dear Ms. Wasson:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 106344.

The City of Dallas (the "city") received a request for the names of all police officers present during an arrest for public intoxication. The requestor also asked for the names of officers who drove the arrested individual to another location and the names of any other individuals arrested in connection with the same incident. You assert that documents responsive to the request are excepted from disclosure pursuant to section 552.108 of the Government Code.

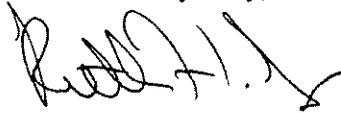
You submitted to this office as responsive to the request a document showing the identity of the arresting officer. Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime" and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." *See Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). However, information normally found on the front page of an offense report, which includes the identity of the arresting officer, is generally considered to be 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). Further, the requestor already knows the identity of the arresting officer, because the requestor's letter identifies the arresting officer. Thus, the identity of the arresting officer is public and also already has been provided to the requestor.

Although the requestor asked for information in addition to the name of the arresting officer, you did not submit any other responsive information to this office. We note that the city has an obligation to make a good faith effort to locate requested records. Open Records Decision No. 561 (1990) at 8. However, the city is not obligated to provide information which is not in its possession or to compile new information. Open Records

Decision Nos. 561 (1990) at 9 (city does not have to obtain new information); 483 (1987) at 2; 452 (1986) at 3 (open records request applies to information in existence when request is received); 362 (1983) at 2 (city does not have to supply information which does not exist). If any responsive information exists and was not timely submitted to this office, as required by section 552.301(b) of the Government Code, then pursuant to section 552.302 the information is presumed to be public and must be disclosed.

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# 106344

Enclosures: Submitted documents

cc: Mr. Glen R. Bates
3909 Harvest Meade #1314
Fort Worth Texas 76155
(w/o enclosures)