



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 29, 1997

Ms. Marcelle Sattiewhite Jones  
Assistant City Attorney  
City of Arlington  
P.O. Box 231  
Arlington, Texas 76004-0231

OR97-1971

Dear Ms. Sattiewhite Jones:

You ask 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# 108869.

The Arlington City Attorney's Office (the "City Attorney") received a request for copies of any and all cases, opened and dropped or dismissed, against Linda Castillo as filed by Francisco Martinez and Luisa Munoz. You claim that the documents are excepted from public disclosure under sections 552.103(a) and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

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*, 924 S.W.2d 920 (Tex. 1996). The information which you have submitted to this office for review comes within the purview of section 552.108.<sup>1</sup> We note, however, that the submitted information contains several offense reports. Information normally found on the front page of an offense report is generally considered public. *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); Open

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<sup>1</sup>As we address the issues under section 552.108, we need not address the applicability of section 552.103 of the Government Code.

Records Decision No. 127 (1976) (summarizing the types of information deemed public by *Houston Chronicle*). Thus, you must release the types of information that are considered to be front page offense report information, even if this information is not actually located on the front page of the offense report. *See* Open Records Decision Nos. 597 (1991) (basic information in an offense report generally may not be withheld under section 552.103). Although section 552.108 authorizes 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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Michael A. Pearle  
Assistant Attorney General  
Open Records Division

MAP/ch

Ref.: ID# 108869

Enclosures: Submitted documents

cc: Ms. Linda Castillo  
3365 Tarkio Rd.  
Plano, Texas 75074  
(w/o enclosures)