



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 8, 1996

Mr. Mitchell S. Milby
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
City Hall
Dallas, Texas 75201

OR96-1082

Dear Mr. Mitchell:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 40026.

The City of Dallas (the "city") received a request for a copy of "witness information records" relating to an offense report. You contend that the requested information is excepted from disclosure under section 552.108 of the Government Code, and have submitted to this office a copy of this 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*, No. 95-1251, 1996 WL 325601 (Tex. June 14, 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). 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. Although the city is authorized to withhold the remaining requested information pursuant to section 552.108, 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 upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'RWS', with a long horizontal flourish extending to the right.

Robert W. Schmidt
Assistant Attorney General
Open Records Division

RWS/RWP/rho

Ref.: ID# 40026

Enclosures: Submitted documents

cc: Ms. Julie Hardin
Gill Records Service Inc.
8150 N. Central Expressway, Suite 925
Dallas, Texas 75206
(w/o enclosures)