



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 9, 1996

Honorable James L. Anderson, Jr.
County Attorney
County of Aransas
301 North Live Oak
Rockport, Texas 78382

OR96-1100

Dear Mr. Anderson:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 33194.

The County of Aransas (the "county") received an open records request for "all investigative reports, witness statements, or other records or documents" relating to a particular shooting death. You state that the county sheriff's department is continuing to investigate the shooting. You contend that the information requested is excepted from required disclosure under section 552.108 of the Government Code. You have submitted for our review copies of the documents which you contend are excepted from disclosure under section 552.108.

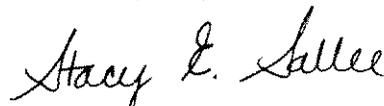
Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; *see Holmes v. Morales*, 39 Tex. Sup. J. 781, 1996 WL 325601 (June 14, 1996). We note, however, that information normally found on the front page of an offense report is generally considered public.¹ *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). We therefore conclude that, except for front page offense report information and the autopsy report, section 552.108 of the Government Code excepts the requested records from required public disclosure. Code Crim. Proc. art. 49.25, § 11. We note that you

¹The content of the information determines whether it must be released in compliance with *Houston Chronicle*, not its literal location on the first page of an offense report. Open Records Decision No. 127 (1976) contains a summary of the types of information deemed public by *Houston Chronicle*.

may choose to release all or part of the information that is not otherwise confidential by law. 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,



Stacy E. Sallee
Assistant Attorney General
Open Records Division

SES/ch

Ref: ID# 33194

Enclosures: Submitted documents

cc: Mr. S. Reese Rozzell
P.O. Box 1407
Rockport, Texas 78382
(w/o enclosures)