



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 22, 1996

The Honorable Wiley L. Cheatham
District Attorney
24th Judicial District
P.O. Box 587
Cuero, Texas 77954

OR96-1229

Dear Mr. Cheatham:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 35344.

The Sheriff of Refugio County (the "sheriff") received a request for five categories of documents relating to the requestor's client, David Allen Brimmer. You claim that the requested information is excepted from disclosure under sections 552.117, 552.119, and 552.108 of the Government Code. We have considered the exceptions you claimed and have reviewed the documents at issue.¹

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. Ct. J. 781, 1996 WL 325601 (June 14, 1996). We note, however, that information normally found

¹We note that a governmental body is usually required to ask for an attorney general's ruling on a request for information within ten calendar days of the governmental body's receipt of the request. Gov't Code § 552.301. However, this office has previously held that the ten-day deadline may be tolled where the governmental body is seeking clarification of the information sought. Open Records Decision No. 333 (1982). As it appears that the sheriff was clarifying what information was sought by the requestor here, we address the arguments for withholding the requested information. We enclose a copy of the Open Records Handbook for the sheriff's information.

on the front page of an offense report is generally considered public.² *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 section 552.108 of the Government Code excepts the requested records from required public disclosure. On the other hand, you may choose to release all or part of the information that is not otherwise confidential by law. Gov't Code § 552.007.³

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/rho

Ref.: ID# 35344

Enclosures: Open Records Act Handbook
Submitted documents

cc: Mr. W. Thomas Dillard
Ritchie, Fels & Dillard, P.C.
P.O. Box 1126
Knoxville, Tennessee 37901-1126
(w/o enclosures)

²The 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*.

³As we conclude that the sheriff may withhold all but first page offense report information under section 552.108, and neither section 552.117 nor 552.119 excepts first page offense report information from disclosure, we need not address your claimed exceptions under sections 552.117 and 552.119.