



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 23, 1996

Mr. Scott A. Durfee  
General Counsel  
Office of the District Attorney  
Harris County  
201 Fannin, Suite 200  
Houston, Texas 77002-1901

OR96-1241

Dear Mr. Durfee:

Your predecessor has asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 30652.

The Harris County District Attorney (the "district attorney") received a request for the district attorney's files on cause number 94-01854, styled *State v. Arcade J. Comeaux*. You state that the district attorney will release information that was previously filed with the clerk of the criminal trial court. However, you claim that the remainder of the requested information is excepted from disclosure by sections 552.101, 552.103, 552.107, and 552.108 of the Government Code.

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 on the front page of an offense report is generally considered public.<sup>1</sup> *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), writ ref'd

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<sup>1</sup>The 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*.

*n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). We conclude that section 552.108 of the Government Code excepts the requested information, with the exception of first page offense report information, from required public disclosure.

This office has previously concluded that some of the first page offense report information is protected by common-law privacy where the subject offense is sexual assault. Open Records Decision Nos. 393 (1983), 339 (1982). In Open Records Decision No. 339 (1992), we concluded that the only information which need be disclosed in sexual assault cases is: the offense committed, the time of occurrence, a description of the weather, and the names of the investigating officers. The district attorney must withhold the remainder of the first page offense report information under common-law privacy.

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# 30652

Enclosures: Submitted documents

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(w/o enclosures)