



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 24, 1996

Ms. Bonnie Lee Goldstein
Vial, Hamilton, Koch & Knox, L.L.P.
1717 Main Street, Suite 4400
Dallas, Texas 75201-7388

OR96-1267

Dear Ms. Goldstein:

As counsel for the City of Cockrell Hill, Texas (the "city"), you ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 40770.

The city received a request for "the names and address of suspects in a burglary at my residence in which articles were stolen or vandalized." The referenced offense concerns juvenile offenders and an offense that occurred after January 1, 1996. You ask whether the city may withhold the requested information from the requestor based on sections 552.101 and 552.108 of the Government Code.

Section 552.101 of the Government Code excepts from required public disclosure information that is confidential by law. This exception applies to information that is deemed confidential by statute. You raise the newly enacted provisions in the Family Code. This office recently concluded that these new provisions do not make confidential the records of juvenile offenders concerning conduct occurring on or after January 1, 1996, that are held by law enforcement agencies. *See* Open Records Decision No. 0644 (1996). Accordingly, the city may not withhold the requested information from disclosure based on section 552.101 of the Government Code.

You also raise section 552.108(a) of the Government Code, which reads as follows:

Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [required public disclosure].

You inform us that the requested police report pertains to an open criminal investigation. 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. *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). The list of basic information deemed public by *Houston Chronicle* and not excepted from disclosure by section 552.108 includes the arrested person’s name and address. *See* Open Records Decision No. 127 (1976). Consequently, we conclude that the city must release the requested information.¹

We are resolving this matter with this 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 may 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,



Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 40770

Enclosures: Submitted documents

cc: Mr. Sam Rodriguez
414 Cockrell Hill Rd.
Cockrell Hill, Texas 75211
(w/o enclosures)

¹We address the public disclosure of only the arrested person’s name and address in the records the city submitted to this office and do not rule on the public disclosure of all other information in those records.