



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 29, 1996

Mr. Charles E. Griffith, III
Deputy City Attorney
City of Austin
Department of Law
P.O. Box 1088
Austin, Texas 78767-8828

OR96-1321

Dear Mr. Griffith:

You ask this office to reconsider Open Records Letter No. 94-581 (1994) in which we concluded that the City of Austin (the "city") could not withhold records relating to a particular law enforcement investigation under section 552.108 of the Government Code. Your request for reconsideration was assigned RQ-762.

You contend that the requested records 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. 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.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 have reviewed your arguments for withholding the information and conclude that, except for front page offense report information, 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.

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*.

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,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/rho

Ref.: RQ-762

Enclosures: Submitted documents

cc: Ms. Janet E. Ritz
McLain, Friedman, Ritz & Kline, L.L.P.
Attorneys & Counselors at Law
11222 North Central Expressway, Suite 101
Dallas, Texas 75243-6708
(w/o enclosures)