



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 8, 1996

Ms. Lan P. Nguyen
Assistant City Attorney
City of Houston
Legal Department
P.O. Box 1562
Houston, Texas 77251-1562

OR96-1410

Dear Ms. Nguyen:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 40732.

The City of Houston (the "city") received a request for: 1. "All invoices, work orders and relating documents from Cougar Tire Services since May 1995;" and 2. "All dispatch records located at Houston Public Works Central Maintenance relating to any calls from the City of Houston vehicles requesting emergency, or non-emergency fire repair or replacement services since May 1, 1995." You have submitted representative samples of the requested information to this office for review.¹ You contend that the information relating to Cougar Tire Services is excepted from disclosure under section 552.108 of the Government Code. You contend that the dispatch records are excepted from disclosure under sections 552.103 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,

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

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). Thus, you must release the type of information that is considered to be front page offense report information, even if this information is not actually located on the front page of the offense report.²

The information relating to Cougar Tire Services is evidence that is crucial to an investigation being conducted by the Houston Police Department. Accordingly, you may withhold the information from required public disclosure pursuant to section 552.108. Of course, you may choose to release all or part of the information at issue 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,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/rho

Ref.: ID# 40732

Enclosures: Submitted documents

cc: Mr. Wayne Dolcefino
KTRK-TV
P.O. Box 13
Houston, Texas 77001
(w/o enclosures)

²We note that section 552.103(a) cannot be invoked to withhold from public disclosure basic front page offense report information that has already been made available to defendant in criminal litigation. Open Records Decision No. 597 (1991).

³Because we conclude that the city may withhold the requested information under section 552.108, we do not address your claim that the dispatch records are also excepted from disclosure under section 552.103.