



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 13, 1996

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

OR96-1434

Dear Ms. Nguyen:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 100682.

The City of Houston (the "city") received a request for an offense report, including supplements and witness statements. The requestor also seeks information regarding a transfer of funds from the custody of the city police department "to any other agency or entity." You assert that the information at issue may be withheld from disclosure pursuant to section 552.108, which 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).

However, information normally found on the front page of an offense report is generally considered public. *See generally 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. Although this information is generally found on the first page of an offense report, its location is not determinative. To determine what information must be released,

the type of information must be examined rather than where it is located. *See* Open Records Decision No. 127 (1976) at 5. We have enclosed a summary of the type of information that is generally considered to be public and must be disclosed.

The city may withhold from disclosure all of the records at issue except for the first page offense report information. We note that the city has discretion to release all or part of the information at issue that is not otherwise confidential by law. Gov't Code § 552.007.

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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/rho

Ref.: ID# 100682

Enclosures: Submitted documents
Summary of Open Records Decision No. 127 (1976)

cc: Ms. Leora Kahn
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(w/o enclosures)