



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 14, 1996

Mr. John Steiner  
Assistant City Attorney  
City of Austin  
Department of Law  
P.O. Box 1088  
Austin, Texas 78767-8828

OR96-1452

Dear Mr. Steiner:

You have asked whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 101123.

The City of Austin (the "city") received a request for a mug shot of an individual who was arrested. You assert that the information at issue is excepted 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).<sup>1</sup> We conclude that section 552.108 excepts from disclosure the requested photograph. We note that the city also has the discretion to release this photograph. *See* Gov't Code § 552.007.

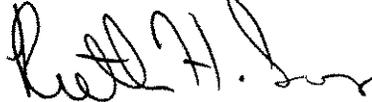
We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

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<sup>1</sup>We note, however, that 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).

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,

A handwritten signature in black ink, appearing to read "Ruth H. Soucy". The signature is written in a cursive style with a large initial "R".

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref.: ID# 101123

Enclosures: Submitted document

cc: Mr. Malcolm Greenstein  
Greenstein & Kolker  
1006 East Cesar Chavez Street  
Austin, Texas 78702  
(w/o enclosures)