



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 20, 1996

Mr. Wiley W. Stem  
Counsel for the City of Marlin  
City of Marlin  
P.O. Drawer 980  
Marlin, Texas 76661

OR96-1500

Dear Mr. Stem:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 33212.

The City of Marlin (the "city") received two requests for records relating to a police investigation concerning two named individuals. You claim that the information is excepted from disclosure under section 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, 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.<sup>1</sup> *Houston Chronicle*

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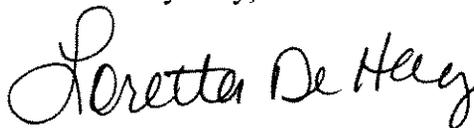
<sup>1</sup>The content of the information determines whether it must be released in compliance with *Houston Chronicle*, not its literal location on the first page of an offense report. In addition, the information generally found on the first-page of the offense report includes not only the information you have previously released to the media, but also the details of the arrest and a detailed description of the offense allegedly committed. *Houston Chronicle Publishing Co.*, 531 S.W.2d at 185, 187; Open Records Decision No. 127 (1976) at 3-4. The information you have released does not include these items. We have enclosed an excerpt from Open Records Decision No. 127 (1976), which lists the types of information that you must disclose.

*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 conclude that, except for front page offense report information, section 552.108 of the Government Code exempts most of the requested information from required public disclosure.

We note that within the documents submitted to this office for review are records filed with the court. Although it is unclear whether the city contends that these records are excepted from disclosure under section 552.108, we believe that the city has waived any section 552.108 protection for those documents that are part of the public court record.

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.: ID# 35212

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

cc: Mr. Ron Butler  
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