



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 17, 1996

Mr. Michael L. Spain
Fulbright & Jaworski, L.L.P.
300 Convent Street, Suite 2200
San Antonio, Texas 78205

OR96-1706

Dear Mr. Spain:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101344.

The City of Schertz (the "city"), which you represent, received a request for "the public page copy of the offense report regarding the death of" an infant. You claim this information is excepted from required public disclosure pursuant to 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*, 924 S.W.2d 920 (Tex. 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). You contend that the *entire* report may be withheld, however, including the front page information, because the report "includes information vital to the investigation that the City's Police Department wishes not to disclose in order to conduct a proper investigation" and "to avoid interferences and not to disrupt this delicate investigation."

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 do not believe that the reasons you have provided for withholding the very same information which *Houston Chronicle* and Open Records Decision No. 127 (1976) have held to be public are compelling.² Consequently, we conclude that, except for front page offense report information, section 552.108 of the Government Code excepts the requested records from required public disclosure. Of course, you may choose to release all or part of the information 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,

A handwritten signature in black ink that reads "Todd Reese". The signature is written in a cursive style with a long horizontal line extending to the right.

Todd Reese
Assistant Attorney General
Open Records Division

RTR/rho

Ref.: ID# 101344

Enclosures: Submitted documents

cc: Mr. Ray Hildebrand
Hildebrand Investigations
7806 Forest Run
San Antonio, Texas 78233
(w/o enclosures)

²See *Heard v. Houston Post Co.*, 684 S.W.2d 210, 213 (Tex. App.--Houston [1st Dist.] 1984, writ ref'd n.r.e.).