



Office of the Attorney General

State of Texas

September 18, 1996

DAN MORALES
ATTORNEY GENERAL

Mr. Ron M. Pigott
Assistant General Counsel
Texas Department of Public Safety
Box 4087
Austin, Texas 78773-0001

OR96-1715

Dear Mr. Pigott:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 100656.

The Texas Department of Public Safety (the "department") received a request for photographs taken of an accident. You state that the accident resulted in three fatalities and that "this case is being prepared for presentation" to a grand jury to determine if criminal charges should be brought. You contend that the requested photographs are excepted from disclosure under section 552.108 of the Government Code, and have submitted to this office for review samples of the photographs at issue.¹

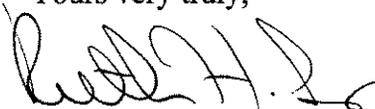
Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime" and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). We agree that in this situation, the photographs at issue may be withheld from disclosure pursuant to section 552.108.²

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 No. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

²We note, however, that the type of information normally found on the front page of an offense or arrest 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).

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, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 100656

Enclosures: Submitted documents

cc: Ms. Karen S. Robertson
Branton & Hall
711 Navarro Street, Suite 737
San Antonio, Texas 78205-1787
(w/o enclosures)