



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 29, 1996

Mr. Claude H. Drinnen
Assistant City Attorney
City of Amarillo
P.O. Box 1971
Amarillo, Texas 79105-1971

OR96-1985

Dear Mr. Drinnen:

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# 101972.

The City of Amarillo (the "city") received an open records request for a complete copy of file No. 9589372, including any photographs. You do not indicate whether you have provided the requestor with the first page of the offense report but submit along with the information a letter from the Municipal Court Administrator indicating that the file is listed as pending prosecution. You assert that the requested information is excepted from 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). However, the type of 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).

You must release the type of information that is considered to be front page offense report information, even if this information is not actually located on the front page of the report. The *type* of information must be examined rather than whether it is actually located on the front page. See Open Records Decision No. 127 (1976) at 5. We have enclosed a summary of the type of information that is generally considered public. The other information at issue may be withheld from disclosure pursuant to section 552.108.¹

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 may 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 'Janet I. Monteros', with a long horizontal line extending to the right.

Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/ro

Ref.: ID# 101972

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

cc: Mr. William A. Sterling
C/o Captain Robert Taylor
Amarillo Police Department
200 East 3rd Street
Amarillo, Texas 79101
(w/o submitted documents)

¹We note that you may choose to release all or part of the information at issue that is not otherwise confidential by law. Gov't Code § 552.007.