



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 27, 1996

Mr. Jack G. Willingham  
259th District Attorney  
Jones and Shackelford Counties  
P.O. Box 507  
Anson, Texas 79501-0507

OR96-2265

Dear Mr. Willingham:

You ask 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# 101971.

Your office received a request for various records, including information relating to the July 8, 1996 fatal shooting of inmate Daniel Miguel Avellaneda by a correctional officer of the Texas Department of Criminal Justice's French Robertson Unit. You assert that all the requested information, other than the names and titles of employees of your office, is excepted from disclosure under section 552.108 of the Government Code. You state that "(c)opies of the contents of my file are enclosed for your review in making this decision."

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. Upon review of the records submitted, we conclude section 552.108 excepts this information from disclosure.<sup>1</sup>

We note, however, that information normally found on the front page of an offense report is generally considered public. *Houston Chronicle Publishing Co. v. City of Houston*, 531

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<sup>1</sup>In reaching our conclusion here, we assume the records submitted are a "representative sample" of the records requested, and are truly representative of the requested records as a whole. See Open Records Decision No. 499, 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

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). Thus, you must release the types of information that are considered to be front page offense report information, even if this information is not actually located on the front page of an offense report.

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,



Michael A. Pearle  
Assistant Attorney General  
Open Records Division

MAP/ch

Ref: ID# 101971

Enclosures: Submitted documents

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