



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 3, 1996

Mr. John Steiner
Division Chief
City of Austin Law Department
114 West 7th Street
Austin, Texas 78767

OR96-2286

Dear Mr. Steiner:

You have asked whether certain information is excepted from required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 102676.

The City of Austin (the "city") received a request for a copy of "Incident Report No. 96-2660397 in its entirety." You state that the requestor has received the front page of the offense report with the press release narrative. However, you assert that the "investigative narrative" of the incident report at issue is excepted from required public disclosure under section 552.108 of the Government Code. You have submitted a copy of the incident report for our review.

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." *See Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). Generally, information normally found on the front page of an offense or incident report is 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 offense report. We note that the information you have provided to the requestor does not contain a detailed description of the offense, as required by *Houston Chronicle*. Thus, you may withhold the "investigative narrative" portion of the report, but you must release sufficient information from that portion so as to provide a detailed description of the offense.

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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/SAB/ch

Ref.: ID# 102676

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

cc.: Mr. John Johnson
719 Great Britain Blvd.
Austin, Texas 78748
(w/o enclosures)