



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 31, 1996

Captain Robert Taylor
Amarillo Police Department
200 S.E. Third Avenue
Amarillo, Texas 79101-1514

OR96-2475

Dear Captain Taylor:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 102765.

The City of Amarillo Police Department (the "department") received a request for a certain offense report. You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

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). Here, as the offense is sexual assault, we conclude that information that tends to identify the alleged victim is excepted from disclosure by common-law privacy. We therefore conclude that, except for front page offense report information that does not tend to identify the alleged victim, section 552.108 of the Government Code excepts the requested records from required public disclosure.

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*.

You claim that the name of the person reporting the offense should be withheld because the person requested that his name be withheld and because that person indicated that release of his name would harm the prospects of his future cooperation with the department. In previous Open Records Decisions, this office has concluded that the names and statements of witnesses may be withheld if it is determined

from an examination of the facts of the particular case that disclosure might either subject the witnesses to possible intimidation or harassment or harm the prospects of future cooperation between witnesses and law enforcement officers.

See, e.g., Open Records Decision Nos. 397 (1983), 297 (1981). From the facts here, we cannot ascertain that the person reporting the offense, whom we assume is a witness, would not cooperate with the department. We do not believe that the conclusory statements on the offense report, without more, are enough to establish that this person will not cooperate with law enforcement in the future. Therefore, the department may not withhold this person's identity under section 552.108 of the Government Code.

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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee
Assistant Attorney General
Open Records Division

SES/ch

Ref.: ID# 102765

Enclosures: Submitted documents

cc: Mr. Charles K. Scott
7214 W.E. 34 Avenue #216
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(w/o enclosures)