



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 10, 1997

Mr. L. Andy Paredes  
Assistant District Attorney  
Tarrant County  
401 W. Belknap  
Fort Worth, Texas 76196-0201

OR97-0309

Dear Mr. Paredes:

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# 103715.

The Tarrant County Criminal District Attorney (the "district attorney") received a request for "the production of copies of the police report for the 911 calls on the night of October 2, 1996" from specific telephone numbers within a specified period of time. However the district attorney seeks to withhold the requested information based on sections 552.101, 552.103, and 552.108 of the Government Code. You enclose representative samples of the information the district attorney seeks to withhold, which include a relevant portion of the 9-1-1 tapes.<sup>1</sup>

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 (1996). 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 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);

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<sup>1</sup>In reaching our conclusion here, we 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 Nos. 499 (1988), 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.

Open Records Decision No. 127 (1976). Thus, 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.<sup>2</sup> Section 552.108 provides that you may withhold the remaining information from disclosure, although you may choose to release all or part of the information at issue that is not otherwise confidential by law.<sup>3</sup> Gov't Code § 552.007.

We are resolving this matter with this 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,



Janet I. Monteros  
Assistant Attorney General  
Open Records Division

JIM/rho

Ref: ID# 103715

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

cc: Mr. David H. Martin  
Malesovas & Martin, L.L.P.  
1000 Alico Center  
425 Austin Avenue  
Waco, Texas 76701-2124  
(w/o enclosures)

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<sup>2</sup>We are enclosing a copy of Open Records Decision No. 127 (1976) which details offense report information generally considered available to the public.

<sup>3</sup>Accordingly, we need not at this time address your assertion of sections 552.101 and 552.103 of the Government Code with regard to the front page offense report information. However, we do note that although section 552.103(a), the "litigation exception," excepts from disclosure information relating to litigation to which the state is or may be a party, it may not be invoked to except front page offense report information. See Open Records Decision No. 362 (1983).