



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 10, 1997

Mr. John Steiner  
Law Department  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767-1088

OR97-0318

Dear Mr. Steiner:

You seek reconsideration of Open Records Letter No. 96-2082 (1996), in which this office determined that the City of Austin (the "city") had not submitted its request for a ruling to this office within the ten days mandated by statute, and, consequently, the requested information was presumed to be public. We have assigned your request for reconsideration ID# 103734.

The Austin Police Department (the "department") received a request for "[a]ny and all accident reports, witness statements and other information pertinent to Austin Police Department case number 96-2081625, a July 28, 1996 boating accident." You sought to withhold the requested information under section 552.108 of the Government Code. In connection with your request for reconsideration, you have submitted a fax transmission sheet that indicates this office received a four page facsimile transmission on August 26, 1996, ten days after the city received the request for information. Therefore, we now consider your claimed exception under section 552.108.

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.<sup>1</sup> *Houston Chronicle Publ'g 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

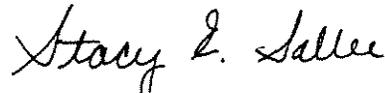
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<sup>1</sup> The content of the information determines whether it must be released in compliance with *Houston Chronicle*, not its literal location on the first page of an offense report. Open Records Decision No. 127 (1976) contains a summary of the types of information deemed public by *Houston Chronicle*.

S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). We therefore conclude that, except for front page offense report information, section 552.108 of the Government Code excepts the requested records from required public disclosure. On the other hand, you may choose to release all or part of the information that is not otherwise confidential by law. Gov't Code § 552.007.

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# 103734

Enclosures: Submitted documents

cc: Mr. Garrett Davis  
P.M. Clinton, International Investigations  
7201 Westview  
Houston, Texas 77280  
(w/o enclosures)