



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 8, 1997

James E. Campbell  
Sheriff  
Cherokee County  
Route 5, Box 275  
Rusk, Texas 75785

OR97-0751

Dear Sheriff Campbell:

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# 105817.

Cherokee County (the "county") received three requests for an offense report and related records, referenced by a specific date, concerning a named individual. You contend that the requested information is excepted from public disclosure by section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the material you submitted.

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). Because the information at issue comes within the purview of section 552.108, we conclude that most of the requested documents may be withheld under this section.

We note, however, that information normally found on the front page of an offense report, including the identity of the complainant and a detailed description of the offense, 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 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 the offense report. For your convenience, we are enclosing a summary of the types of information that are generally public

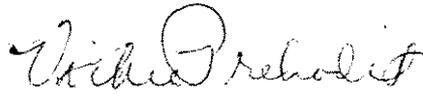
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<sup>1</sup>The content of the information determines whether it must be released in compliance with *Houston Chronicle*, not its literal location on the first page of an offense report. Open Records Decision No. 127 (1976) contains a summary of the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

and must be released. Although section 552.108 authorizes the county to withhold the remaining information from disclosure, the county may choose to release all or part of the information at issue that is not otherwise confidential by law. See 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 upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Vickie Prehoditch  
Assistant Attorney General  
Open Records Division

VDP/glg

Ref.: ID# 105817

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

cc: Ms. Ann Gillespie  
Tyler Morning Telegraph  
P.O. Box 2030  
Tyler, Texas 75710  
Enclosure: Summary of Open Records Decision No. 127

Mr. Andy Shaw  
News Director  
KETK-TV  
4300 Richmond Road  
Tyler, Texas 75703  
Enclosure: Summary of Open Records Decision No. 127

Mr. John Fuquay  
News Reporter  
Jacksonville Daily Progress  
P.O. Box 711  
Jacksonville, Texas 75766  
Enclosure: Summary of Open Records Decision No. 127