



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 25, 1997

Mr. Ron M. Pigott  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78733-0001

OR97-0942

Dear Mr. Pigott:

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# 105720.

The Texas Department of Public Safety (the "department") received two open records requests for all records pertaining to the shooting death of a named individual. You contend that except for a copy of the autopsy report, which will be made available to both requestors, the requested information is excepted from required public disclosure pursuant to section 552.108 of the Government Code. You have submitted to this office for review a representative sample of the requested records.

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 records at issue come within the purview of section 552.108, we conclude that most of the information at issue may be withheld under this section.<sup>1</sup>

---

<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 No. 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.

We note, however, that information normally found on the front page of an offense report is generally considered public. *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.

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,



Janet J. Monteros  
Assistant Attorney General  
Open Records Division

JIM/RWP/alg

Ref.: ID# 105720

Enclosures: Submitted documents

cc: Mr. Kirby J. Roberts  
Attorney at Law  
P.O. Box 351  
Junction, Texas 76849  
(w/o enclosures)

Ms. Elisa Flores Ortiz  
P.O. Box 284  
Ozona, Texas 76943  
(w/o enclosures)