



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 8, 1997

Ms. Judith A. Hunter  
Paralegal  
City Attorney's Office  
City of Georgetown  
P.O. Box 409  
Georgetown, Texas 78627-0409

OR97-1059

Dear Ms. Hunter:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 105522.

The City of Georgetown (the "city") received an open records request for two offense reports, referenced by numbers 96-6972 and 96-6973, about a certain named individual. You state that the city has released to the requestor the "front page offense report information" from the offense reports. See Open Records Decision No. 127 (1976). You seek to withhold all of the remaining information pursuant to section 552.108 of the Government Code, and the informer's privilege as incorporated into section 552.101 of the Government Code. We have considered the exceptions 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). It appears that the requested information relates to investigation and prosecution of criminal allegations. Since the records at issue come within the purview of section 552.108, we conclude that most of the information may be withheld under this section.<sup>1</sup>

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<sup>1</sup>However, we disagree with the information which you assert should be withheld pursuant to section 552.108. We advise you to review the enclosed Summary of Open Records Decision No. 127 (1976) in order to ascertain which type of information may be withheld.

We note, however, that information normally found on the front page of an offense report, including a detailed description of the offense, is generally considered public.<sup>2</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, the city must release the types of information that are considered to be front page offense report information from *both* offense reports, even if this information is not actually located on the front page of those reports. Therefore, except for front page offense report information, section 552.108 of the Government Code excepts the requested records from required public disclosure. Although section 552.108 authorizes the city to withhold the remaining information from disclosure, the city 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.

As we resolve your request under section 552.108, we need not address your claimed exception under the informer's privilege, as incorporated into section 552.101, at this time.<sup>3</sup> 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



Sam Haddad

Assistant Attorney General  
Open Records Division

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Ref.: ID# 105522

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

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<sup>2</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*. For your convenience, we have attached a list of the types of information the city must release from the submitted record.

<sup>3</sup>We note that in Open Records Decision No. 127 (1976), this office concluded that "identification and description of witnesses" and "statements by informants" is information which is protected by section 552.108 of the Government Code.

cc: Mr. John Vasquez  
P. O. Box 5669  
Austin, Texas 78763  
(w/ Summary of Open Records Decision No. 127 (1976))

