



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 30, 1997

Ms. Y. Qiyamah Taylor
Assistant City Attorney
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR97-1248

Dear Ms. Taylor:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 106298.

The City of Houston (the "city") received a request for various Houston Police Department records related to a shooting death that occurred on September 1, 1995. You contend that with the exception of the "Public Release portion," the requested offense reports are excepted from disclosure pursuant to section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the information 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). 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). You have not marked which portions of the offense reports are considered the public release portions. Thus, assuming the city's "public release portion" of the requested report contains the information considered to be "front page information" under *Houston Chronicle*, including a detailed description of the offense, you may withhold the remaining information from disclosure pursuant to section 552.108, although you may choose to release all or part of the information at issue that is not otherwise confidential by law. Gov't Code § 552.007; *see* Open Records Decision No. 127 (1976) (summarizing information made public by *Houston Chronicle*).

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,



Michael A. Pearle
Assistant Attorney General
Open Records Division

MAP/ch

Ref.: ID# 106005

Enclosures: Submitted documents

cc: Mr. Mark Ramsey
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(w/o enclosures)