



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 8, 1997

Mr. Larry Crawford
Captain Special Services
Custodian of Record
Ector County Sheriff's Office
P.O. Box 2066
Odessa, Texas 79760

OR97-1538

Dear Mr. Crawford:

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# 107077.

The Ector County Sheriff's Office (the "sheriff") received a request for "the complete investigation file accumulated by the Ector County Sheriff's Department and made as the result of your Incident Number 14389, Case Number 71576, dated August 12, 1994." You have submitted for our review a representative sample of the information requested which you contend should be withheld pursuant to section 552.108 of the Government Code as provided by the Open Records Act.¹ We have considered the exception you claim and reviewed the submitted information.²

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

¹We 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 Nos. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

²We note your various observations concerning the Open Records Act that you detail in your research but under the instant file before this office, we need not address the issues you raise. However, we do refer you to the 1995 issue of the *Texas Open Records Act Handbook* (including updates from the Seventy-fourth Legislature) available from the Office of the Attorney General for added information on issues involving open records questions.

Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (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).³ Thus, you must release the type of information that is considered to be front page offense report information, even if this information is not actually located on the front page of the offense report. Section 552.108 provides that you may withhold the remaining information from disclosure, although you may choose to release all or part of the information at issue that is not otherwise confidential by law. Gov't Code § 552.007.⁴

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 I. Monteros
Assistant Attorney General
Open Records Division

JIM/glg

Ref.: ID# 107077

Enclosures: Submitted documents

cc: Mr. Robert L. Garrett
DeHart, Hopkins & Rodriguez, Inc.
1770 St. James Place, Suite 420
Houston, Texas 77056
(w/o enclosures)

³We note your intent to release the front page information concerning the instant matters pursuant to Open Records Decision No. 127 (1976).

⁴As we address the issues presented under section 552.108 of the Government Code, we need not address other exceptions which you have raised in your request to this office.