



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 26, 1997

Ms. Tatia R. Randolph
Assistant City Attorney
Criminal Law and Police Division
Office of the City Attorney
Municipal Building
Dallas, Texas 75201

OR97-1901

Dear Ms. Randolph:

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# 109532.

The City of Dallas Police Department (the "department") received a request for information related to service number 516746F. You state that you will release the first page of the arrest report which identifies the party arrested. You claim, however, that the remaining requested information is excepted from disclosure under sections 552.103 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108 of the Government Code 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). 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 type of information, including a detailed description of the offense, 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. *See* Open Records Decision No. 127 (1976) (summarizing the types of information deemed public by *Houston Chronicle*). Furthermore, section 552.103 generally does not apply to front page offense report information. *See* Open Records Decision No. 362 (1983).

The requested information is “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime.” We note, however, that the city must release to the requestor a copy of the accident report in accordance with section 47(b)(1) of article 6701d, V.T.C.S.¹ See Open Records Decision No. 623 (1994) (Open Records Act exceptions generally do not protect information made public by other statutes). In addition, section 18.01(b) of the Code of Criminal Procedure makes public an affidavit for a search warrant, if the warrant has been executed. We therefore conclude that except for the accident report, affidavit for executed search warrant, and front page offense report information, section 552.108 of the Government Code excepts the requested records from required public disclosure.

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,



Vickie Prehoditch
Assistant Attorney General
Open Records Division

VDP/alg

Ref.: ID# 109532

Enclosures: Submitted documents

cc: Mr. Jose Cervantes, Jr.
2911 Turtle Creek Boulevard, Suite 1400
Dallas, Texas 75219
(w/o enclosures)

¹Effective September 1, 1995, article 6701d was repealed and codified as part of the Transportation Code. Act of May 1, 1995, 74th Leg., R.S., ch. 165, § 24, 1995 Tex. Sess. Law Serv. 1025, 1870-71. See Trans Code § 550.065 (release of accident report). The repeal of a statute by a code does not affect an amendment of the statute by the same legislature which enacted the code and the amendment is preserved and given effect as part of the code provision. Gov't Code § 311.031(c). Thus, the amendment of section 47 of V.T.C.S. article 6701d remains in effect as current law and may be found following section 550.065 of the Transportation Code. See also Act of May 27, 1995, 74th Leg., R.S., ch. 894, § 1, 1995 Tex. Sess. Law Serv. 4413, 4414. But see Act of May 29, 1997, S.B. 1069, 75th Leg., R.S. (to be codified at Transp. Code § 550.065) (act effective September 1, 1997).