



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 27, 1997

Ms. Lan P. Nguyen  
Assistant City Attorney  
City of Houston  
P.O. Box 1562  
Houston, Texas 77251-1562

OR97-1910

Dear Ms. Nguyen:

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# 108432.

The Houston Police Department (the "department") received an open records request for the following information:

the proceedings recorded May 7, 1997, about 1:30 p.m. involving an incident on West Orem, as it approaches Post Oak Boulevard. Pertinent portions relate to one officer (name unknown) requesting a 'back-up' reporting two males riding in a 'stolen' car.

I need to know the officers names or unit numbers that responded. And when they returned to patrol duty if such information was transmitted by radio.

You advise this office that you are releasing the radio transmission audio tapes. You claim, however, that except for the "front page offense report information," which the requestor already possesses, the offense report is excepted from required public disclosure pursuant to section 552.108 of the Government Code.

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.

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. This would include the names of the officers that the requestor is seeking and their respective unit number. The remaining information may be withheld 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. *See Gov't Code § 552.007.*

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,



Vickie Prehoditch  
Assistant Attorney General  
Open Records Division

VDP/RWP/ glg

Ref.: ID# 108432

Enclosures: Submitted documents  
Submitted tape recordings

cc: Mr. Matthew W. Plummer, Sr.  
Plummer & Associates  
1010 Lamar, Suite 1510  
Houston, Texas 77002  
(w/o enclosures)