



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 3, 1998

Capt. Robert Taylor
Amarillo Police Department
200 S.E. Third Avenue
Amarillo, Texas 79101-1514

OR98-1820

Dear Captain Taylor:

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# 117393

The AMARILLO Police Department (the "Department" received a request for documents pertaining to an accident involving a specific date, drivers, and location. You indicate you have released some information which includes the "ST-3 State Accident form." We note that accident report forms may be disclosed only as provided under section 47 of article 6701d, V.T.C.S.¹ See Transp. Code § 550.064 (officer's accident report). You contend that the remaining requested documents are excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the documents at issue.

Section 552.108(a) excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime. . .if": (1) release of the information would interfere with the detection, investigation, or prosecution of crime; [or] (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction of deferred adjudication." You indicate that the requested documents relate to an active

¹ The Seventy-fifth Legislature repealed V.T.C.S. article 6701d, , and amended section 550.065 of the Transportation Code concerning the disclosure of accident report information. Act of may 29, 1997, 75th Leg., R.S. ch. 1187, 1997, Tex. Sess. Law Serv. 4575 (Vernon). However, a Travis County district court has issued a temporary injunction enjoining the enforcement of the amendment to section 550.065 of the Transportation code. *Texas Daily Newspaper Ass'n v. Morales*, No. 97-08930 (345gh Dist. Ct., Travis county, Tex., Oct. 24, 1997) (second amended agreed temporary injunction). A temporary injunction preserves the status quo until the final hearing of a case on its merits. *Janus Films, Inc. v. City of Fort Worth*, 358 S.W.2d 589 (1962). The supreme court has defined the status quo as "the last, actual peaceable, non-contested status that preceded the pending controversy." *Texas V. Southwestern Bell Tel. Co.* 526 S.W.2d 526, 528 (Tex. 1975). The status quo of accident report information prior to the enactment of S.B. 1069 is governed by section 47 of article 6701d, V.T.C.S.

department investigation. Based upon this representation, we conclude that the release of these documents would interfere with the detection, investigation, or prosecution of crime. *See 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) (court delineates law enforcement interests that are present in active cases).

We note, however, that information normally found on the front page of an offense report is generally considered public. *See generally* Gov't Code § 552.108(c); *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 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. Although section 552.108(a)(1) authorizes you to withhold the remaining information from disclosure, 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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/nc

Ref.: ID# 117393

Enclosures: Submitted documents

cc: Mr. Tim Hoffman
Hoffman, Sheffield & Sauseda
1008 S. Madison
Amarillo, Texas 79101-3234
(w/o enclosures)