

January 7, 1999



OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

OR99-0025

Mr. Robert J. Gervais
Assistant City Attorney
City of Galveston
P.O. Box 779
Galveston, Texas 77553-0779

Dear Mr. Gervais:

— * —
JOHN CORNYN
Attorney General

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# 121145.

— * —
P.O. Box 12548
Austin, Texas
78711-2548

The City of Galveston (the "city") received a request for a specific incident report. You claim that the submitted 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.

(512) 463-2100
www.oag.state.tx.us

Section 552.108, the "law enforcement exception," provides in relevant part as follows:

(a) [i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of 552.021 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 or deferred adjudication[.]

Printed on Recycled Paper

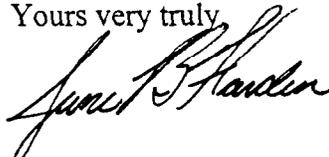
An Equal Employment
Opportunity Employer

You state that criminal charges have been filed against the requestor for excessive noise. You have also submitted a copy of the Municipal Court Complaint. After reviewing your arguments and the submitted information, we conclude that the release of the requested information would interfere with the prosecution of crime. The city may withhold the requested information under section 552.108(a)(1). See Open Records Decision No. 216 (1978).

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 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. Gov't Code § 552.108(c); see Open Records Decision No. 127 (1976) (summarizing the types of information deemed 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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/ch

Ref.: ID# 121145

Enclosures: Submitted documents

cc: Ms. Gabriela Ramos
P.O. Box 2097
Galveston, Texas 77553
(w/o enclosures)