



February 22, 1999

Ms. Lisa L. Smestuen  
Senior Staff Attorney  
The Texas A&M University System  
John B. Connally Building  
301 Tarrow, 6<sup>th</sup> Floor  
College Station, Texas 77840-7896

OR99-0513

Dear Ms. Smestuen:

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# 122348.

The Department of Public Safety at Prairie View A&M University (the "department") received a request for copies of records maintained by the department. You contend that the requested documents are excepted from disclosure pursuant to sections 552.108 and 552.130 of the Government Code. We have considered the exceptions you claim and have reviewed the documents at issue.

Section 552.108(a)(2) 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 . . . if . . . 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." You state that the information contained in Exhibits B through F relates to cases that concluded in a result other than conviction or deferred adjudication. Based upon this representation, we find that Exhibits B through F are excepted from disclosure pursuant to section 552.108(a)(2).

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, the department 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. You state that you have released front page offense report information, but our review of the submitted documents indicates that you have not released all of the types of information required to be released under *Houston Chronicle*. We have enclosed a summary of Open Records Decision No. 127 (1976) which lists the types of information that must be released. The department must release these types of information from Exhibits B through F. Although section 552.108(a)(2) 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.

Because we are able to resolve this matter under section 552.108, we do not address your section 552.130 claim. 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.

Sincerely,



Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref:: ID# 122348

Enclosures: Submitted documents; Summary of Open Records Decision No. 127  
(1976)

cc: Mr. William A. Foster, III  
4226 Bayglen Court  
Houston, Texas 77068  
(w/o enclosures; w/Summary of Open Records Decision No. 127 (1976))

**SUMMARY OF OPEN RECORDS DECISION NO. 127 (1976)**

**I. TYPES OF INFORMATION AVAILABLE TO THE PUBLIC**

1. Arrestee's social security number, name, aliases, race, sex, age, occupation, address, police department identification number, and physical condition
2. Offense for which suspect arrested
3. Identification and description of complainant
4. Location of crime
5. Time of occurrence
6. Vehicle involved
7. Property involved
8. Detailed description of offense
9. Names of arresting officers
10. Date and time of arrest
11. Place of arrest
12. Details of arrest
13. Description of weather
14. Booking information
15. Court in which charge is filed
16. Notation of any release or transfer
17. Bonding information
18. Numbers for statistical purposes relating to modus operandi of those apprehended

**II. TYPES OF INFORMATION PROTECTED BY SECTION 552.108**

1. Identification and description of witnesses
2. Synopsis of confession
3. Officer's speculation as to suspect's guilt
4. Officer's view of witness credibility
5. Statements by informants
6. Ballistics reports
7. Fingerprint comparisons
8. Blood and other lab tests
9. Results of polygraph test
10. Refusal to take polygraph test
11. Paraffin test results
12. Spectrographic or other investigative reports
13. Personal History and Arrest Record, including
  - A. Identifying numbers (such as TDC numbers)
  - B. Physical description with emphasis on scars and tattoos
  - C. Marital status and relatives
  - D. Mugshots, palm prints, fingerprints, and signature
  - E. Chronological history of any arrests and disposition

*See Open Records Decision No. 127 (1976).*