



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 10, 1997

Ms. Tamara Armstrong  
Assistant County Attorney  
Travis County  
P.O. Box 1748  
Austin, Texas 78767

OR97-0314

Dear Ms. Armstrong:

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# 103870.

The Travis County Sheriff's Office (the "sheriff") received an open records request for "all offense reports for DWI's that occurred between 10-15-96 and 11-05-96." You state that you have released to the requestor the "front page offense report information" from each of the requested offense reports in accordance with *Houston Chronicle Publishing 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). You seek to withhold the remaining information from the offense reports pursuant to section 552.108 of the Government Code.<sup>1</sup>

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."

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<sup>1</sup>You also argue that all accident reports prepared by a peace officer in connection with the DWI offenses are excepted from public disclosure under section 552.108. Because accident reports prepared pursuant to V.T.C.S. article 6701d are records distinct from the requested offense reports, we conclude that the accident reports do not come within the ambit of the current request. We therefore need not determine at this time whether the accident reports, to the extent that they may exist, must be released to the requestor.

Gov't Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). Because the information you seek to withhold comes within the purview of section 552.108, we conclude that the sheriff may withhold the information under this section.<sup>2</sup>

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,



Sam Haddad  
Assistant Attorney General  
Open Records Division

SH/RWP/rho

Ref.: ID# 103870

Enclosures: Submitted documents

cc: Mr. Kevin J. Kleemeier  
Director of Marketing  
Consumer Safety Technology, Inc.  
2165 N.W. 108th Street, Suite D  
Des Moines, Iowa 50325  
(w/o enclosures)

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<sup>2</sup>Of course, the sheriff 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.