



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 24, 1997

Mr. Gary W. Smith
City Attorney
City of Greenville
2821 Washington
P.O. Box 1049
Greenville, Texas 75403-1049

OR97-0417

Dear Mr. Smith:

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# 103985.

The City of Greenville Police Department (the "department"), which your office represents, received a request for "the complete records regarding offense numbers 9653175, 9653285 and 9653298." You assert that the name, address, telephone number and other identifying information concerning the witness in these matters, as well as the witness' statements, are excepted from release under section 552.108 of the Government Code, as interpreted in Open Records Decision No. 127 (1976). You have marked the information you seek to withhold. We have considered your arguments and have reviewed the information at issue.

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). We note, however, that information normally found on the front page of an offense report is generally considered public. *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); Open Records Decision No. 127 (1976). First page offense report information which is available under the *Houston Chronicle* decision includes the identification and description of the complainant and a detailed description of the offense in question, while the identification and description of witnesses may be withheld. *See* Open Records Decision No. 127 (1976).

Our review of the submitted offense reports indicates that you seek to withhold the identities of complainants involved in these offenses, rather than the identities and statements of witnesses. We also note the department does not appear to have released a detailed description of the offense. Because the identification and description of complainants is public information under *Houston Chronicle* and Open Records Decision No. 127, we conclude the department may not withhold from disclosure under section 552.108 the highlighted information submitted to this office which identifies the complainant. The department must also release a detailed description of the offense in question.

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,



Michael A. Pearle
Assistant Attorney General
Open Records Division

MAP/ch

Ref.: ID# 103985

Enclosures: Submitted documents

cc: Ms. Susan Briggs
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(w/o enclosures)