



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 26, 1997

Mr. Jason D. McClain
Assistant City Attorney
Dallas Municipal Building
Dallas, Texas 75201

OR97-0427

Dear Mr. McClain:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 104075.

The City of Dallas (the "city") received a request for a copy of a police report and for crime statistics for the past two years concerning a particular address and surrounding neighborhood. It is our understanding that the city has released a document showing the types of criminal activity that have occurred in the neighborhood and the number of times such activity has occurred. However, you assert that section 552.108 of the Government Code protects from disclosure one particular offense report, concerning a sexual assault.

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). However, the type of information normally found on the front page of an offense report is generally considered to be public. *See generally 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). All of the information at issue except for the front page offense report information is protected from disclosure pursuant to section 552.108.

The front page offense report information must be disclosed, except for certain information that we have marked, which identifies the victim. Information that would identify the victim of a sexual assault is protected from disclosure under the doctrine of common-law privacy, as incorporated in section 552.101 of the Government Code. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert.*

denied, 430 U.S. 930 (1977); *Hubert v. Harte-Hanks Texas Newspapers Inc.*, 652 S.W.2d 546 (Tex. App.-Austin 1983, writ ref'd n.r.e.); Open Records Decision No. 339 (1982) at 2.

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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 104075

Enclosures: Submitted documents

cc: Mr. Steve Stephenson
P.O. Box 822734
Dallas, Texas 75382
(w/o enclosures)