



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 15, 1997

Ms. Y. Qiyamah Taylor
Assistant City Attorney
City of Houston
Legal Department
P.O. Box 1562
Houston, Texas 77251-1562

OR97-0812

Dear Ms. Taylor:

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# 105357.

The Houston Police Department (the "department") received an open records request for records pertaining to a particular vice squad investigation. You seek to withhold the requested information pursuant to section 552.108 of the Government Code.

Section 552.108 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," 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). Because the information at issue comes within the purview of section 552.108, we conclude that most of the requested information may be withheld under this section.

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 may not withhold, pursuant to section 552.108, the types of information that are considered to be front page offense report information. We also note that records you submitted to this office make reference to a search warrant that was executed during the course of the investigation;

if the department possesses a copy of the search warrant affidavit, which is made public under article 18.01 of the Code of Criminal Procedure, that document must also be released. Although section 552.108 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.*

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,

A handwritten signature in black ink that reads "Loretta R. DeHay". The signature is written in a cursive, flowing style.

Loretta R. DeHay
Open Records Division
Office of the Attorney General

LRD/RWP/rho

Ref.: ID# 105357

Enclosures: Submitted documents

cc: Mr. Kenneth Jerome Paley
5319 Myrtlewood
Houston, Texas 77033
(w/o enclosures)