



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 22, 1997

Mr. Boyd Kennedy
Staff Attorney, Law Enforcement Division
Texas Parks and Wildlife Department
4200 Smith School Road
Austin, Texas 78744

OR97-0902

Dear Mr. Kennedy:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 105579.

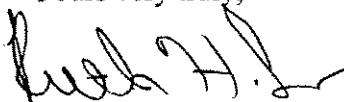
The Texas Parks and Wildlife Department (the "department") received a request for information about an investigation that is being conducted by the department. You assert that the responsive information is protected from disclosure under section 552.108 of the Government Code.

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). We note, however, that information generally found on the front page of an offense report is 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).

You have informed this office that the department is currently conducting a criminal investigation into the poisoning of deer. From the information provided, it appears that the investigation is being conducted by individuals with law enforcement responsibilities and that the department anticipates that criminal charges may be brought in connection with the poisonings. We agree that, in this situation, most of the information at issue may be withheld from disclosure pursuant to section 552.108. However, first page offense report information must be disclosed. For your convenience, we have enclosed a summary of the type of public information normally found on the front page of an offense report.

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, appearing to read "Ruth H. Soucy". The signature is fluid and cursive, with a prominent initial "R" and a long, sweeping underline.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 105579

Enclosures: Submitted documents
Summary of Open Records Decision No. 127

cc: Mr. John Holman
Box 744
Paducah, Texas 79248
(w/o enclosures)