



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 1, 1997

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

OR97-1001

Dear Ms. Armstrong:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 105884.

Travis County (the "county") received several requests from one requestor for information concerning an aggravated assault. The requestor asked for all records concerning the aggravated assault, including the offense report and an affidavit of non-prosecution. Responsive information was submitted to this office for review. You assert that the requested information is excepted from disclosure under section 552.108 of the Government Code.

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." 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 and must be disclosed. *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). If you have not already done so, you must release to the requestor the front page offense report information. The remaining information at issue may be withheld from disclosure.¹

¹Since the information at issue may be withheld from disclosure pursuant to section 552.108, we need not address your other arguments against disclosure. We also note that, while you may choose to release to the requestor some of the information requested, you may not disclose the information that is otherwise confidential. 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 on as a previous determination regarding any other records. If you have any questions regarding 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 the first name "Ruth" being the most prominent.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 105884

Enclosures: Submitted documents and tape

cc: Mr. William Travis
816 Congress Avenue, Suite 1100
Austin, Texas 78701-2443
(w/o enclosures)