



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 2, 1997

Mr. Dan T. Saluri
Assistant City Attorney
City Attorney's Office
915 Avenue J
P.O. Box 2000
Lubbock, Texas 79457

OR97-1008

Dear Mr. Saluri:

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# 105582.

The City of Lubbock (the "city") received a request for a copy of Lubbock Police Department Case Report No. 97-000038 relating to a case in which the requestor is a suspect in a criminal matter. You state the city "has no objection to providing front page information, i.e. the first page of the referred to case report, Officer Eric Wilson, reporting officer," but that the remainder of the report is excepted pursuant to section 552.108 of the Government Code. We have considered your arguments and have reviewed the information submitted.

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). Because the records at issue come within the purview of section 552.108, we conclude that most of the information at issue 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 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). We stress that the city must release the type of information deemed public by *Houston Chronicle Publishing Co.* case regardless of its location within an investigation file. The content of the information determines

whether it must be released in compliance with the *Houston Chronicle Publishing Co.* case, not its literal location on the first page of an offense report. 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,



Michael A. Pearle
Assistant Attorney General
Open Records Division

MAP/ch

Ref.: ID# 105582

Enclosures: Submitted documents

cc: Mr. Enrique Garcia, Jr.
2106 14th Street, #B
Lubbock, Texas 79412
(w/o enclosures)