



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 16, 1997

Mr. Charles F. Wetherbee
City Attorney
City of Jourdanton
1220 Simmons Avenue
Jourdanton, Texas 78206

OR97-1395

Dear Mr. Wetherbee:

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# 106675.

The City of Jourdanton (the "city") received a request for "a copy of every police report, complaint and statement that Danial [sic], Deborah, Crystal, Jerry, or Timmy Brady made from 1994 to 1997." You seek our opinion as to whether the requested information may be withheld from disclosure for privacy reasons or pursuant to the law enforcement exception.¹

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 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.

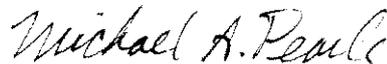
We note, however, that information normally found on the front page of an offense report is generally considered public. *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536

¹Although you ask that we review the "enclosed request for personnel records" and advise what information may be withheld for privacy reasons, you have not indicated, nor can we determine from our review, which of the submitted documents constitute personnel information. Therefore, we do not address your privacy question at this time.

S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Thus, you must release the types of information that are considered to be front page offense report information, even if this information is not actually located on the front page of the offense report. We are enclosing a copy of the Summary of Open Records Decision No. 127 (1976) for your convenience. 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# 106675

Enclosures: Submitted documents
Summary of Open Records Decision No. 127 (1976)

cc: Ms. Deborah Brady
913 Cypress
Jourdanton, Texas 78026
(w/ Summary of Open Records Decision No. 127 (1976))