



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 26, 1997

Captain Robert Taylor
Amarillo Police Department
City of Amarillo
200 E. 3rd
Amarillo, Texas 79101-1514

OR97-1457

Dear Captain 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# 107045.

The Amarillo Police Department (the "department") received a request for a specific incident report. You assert that the requested report is excepted from required public disclosure based on sections 552.101 and 552.108 of the Government Code. You state that the complainant does not want her identity to be revealed.

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). We note, however, that information normally found on the front page of an offense report is generally considered public.¹ *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). Nevertheless, in special circumstances, front page offense report information may also be withheld from disclosure. *See* Open Records Decision Nos. 297 (1981), 169 (1977). You have informed us of extenuating circumstances that you believe necessitate the withholding of the front page offense report information that reveals the victim complainant's name, address, and telephone number. We agree that this information should be withheld from disclosure. Of course, the remaining front page information must be released to the requestor. In

¹The content of the information determines whether it must be released in compliance with *Houston Chronicle*, not its literal location on the first page of an offense report. Open Records Decision No. 127 (1976) contains a summary of the types of information deemed public by *Houston Chronicle*.

addition to withholding information that reveals the identity of the victim complainant, section 552.108 provides that you may also withhold from disclosure all of the other information in the offense report that is not the type of 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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref.: ID# 107045

Enclosures: Submitted documents

cc: Mr. Mahan Chimanji
4404 S. Bell St. #201A
Amarillo, Texas
(w/o enclosures)