



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 8, 1997

Ms. Tracy B. Calabrese  
Assistant City Attorney  
Legal Department  
City of Houston  
P. O. Box 1562  
Houston, Texas 77251-1562

OR97-1780

Dear Ms. Calabrese:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 107613.

The City of Houston (the "city") received two requests from the same requestor for "copies of any offense reports," involving one named individual as a complainant and another as the accused.<sup>1</sup> You state that the "Houston Police Department will make the public information portion of the responsive offense report available to the requestor." However, you assert that the remaining information may be withheld from disclosure pursuant to section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

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). The submitted incident report relates to the investigation and prosecution of criminal allegations. Since 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.

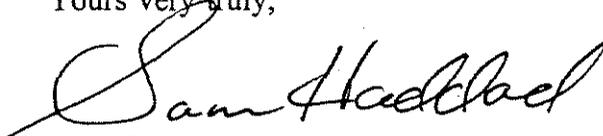
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<sup>1</sup>In *United States Department of Justice v. Reporters Committee For Freedom of the Press*, 489 U.S. 749 (1989), the United States Supreme Court concluded that where an individual's criminal history record information ("CHRI") is compiled or summarized by a governmental entity, the information takes on a character that implicates an individual's right of privacy in a manner that the same individual records in an uncompiled state do not.

We note, however, that information normally found on the front page of an offense report, including a detailed description of the offense, is generally considered public.<sup>2</sup> *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). As you have indicated that the front page information portion of the responsive incident report will be released to the requestor and the remaining information will be withheld, we agree that you have complied with section 552.108 of the Government Code. See generally Open Records Decision Nos. 611 (1992) (records held by law enforcement agencies regarding violence between family members are not excepted as a matter of law from required public disclosure by sections 552.101 or 552.108).

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,



Sam Haddad  
Assistant Attorney General  
Open Records Division

SH/alg

Ref.: ID# 107613

Enclosures: Submitted documents

cc: Mr. Brett Anthony  
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(w/o enclosures)

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<sup>2</sup>The 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*.