



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 16, 1997

Ms. Tatia M. Randolph  
Assistant City Attorney  
City of Dallas  
Municipal Building  
Dallas, Texas 75201

OR97-2055

Dear Ms. Randolph:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 108719.

The Dallas Police Department (the "department") received a request for supplemental investigation reports concerning an automobile accident that involved fatalities. You explain that the driver of one of the automobiles was charged with three counts of manslaughter in connection with the accident, but that the grand jury no-billed as to each of the charges. You state that the department "is willing to release the accident report, with the exception of witness names" and "will also release the first page of each offense report generated" in connection with the accident. You contend that all other responsive information may be withheld from disclosure pursuant to section 552.108 of the Government Code.

Initially, we note that the information requested concerns an automobile accident. The Seventy Fifth Legislature, repealed, codified, and amended V.T.C.S. article 6701d, concerning the disclosure of accident report information. Act of May 29, 1997, S.B. 1069, §13, 75th Leg., R.S. (to be codified at Transp. Code §550.065). However, a Travis County district court has issued a temporary injunction enjoining the enforcement of section 13 of SB 1069 for ninety days. *Texas Daily Newspaper Association, et al., v. Morales, et al.*, No. 97-08930 (345th Dist. Ct., Travis County, Tex., Aug. 29, 1997) (order granting temporary injunction). A temporary injunction preserves the status quo until the final hearing of a case on its merits. *Janus Films, Inc. v. City of Fort Worth et al.*, 163 Tex. 616, 617, 358 S.W.2d 589 (1962). The Supreme Court has defined the status quo as "the last, actual peaceable, non-contested status that preceded the pending controversy." *Texas v. Southwestern Bell Telephone Co.* 526 S.W.2d 526, 528 (Tex. 1975). The status quo of accident report information prior to the enactment of SB 1069 is governed by section 47 of

article 6701d, V.T.C.S. Section 47(b)(1) provides that:

The Department or a law enforcement agency employing a peace officer who made an accident report

*is required to release a copy of the report on request to:*

....

(D) a person who provides the Department or the law enforcement agency with two or more of the following:

- (i) the date of the accident;
- (ii) the name of any person involved in the accident; or
- (iii) the specific location of the accident

V.T.C.S. art. 6701d, § 47(b)(1) (emphasis added).

Under this provision, a law enforcement agency “is required to release” a copy of an accident report to a person who provides the law enforcement agency with two or more pieces of information specified by the statute. *Id.* The requestor has provided the department with the date of the accident and the name of a person involved in the accident. Thus, pursuant to section 47(b)(1)(D) of article 6701d, V.T.C.S., the department must provide this requestor with the complete and unredacted automobile accident report form.

We also note that included in the information submitted to this office were portions of autopsy reports. Section 11 of article 49.25 of the Texas Code of Criminal Procedure provides that an autopsy report, including the full report and detailed findings of an autopsy, is a public record. *See Open Records Decision No. 529 (1989) at 4.* Thus, all of the autopsy report information must be released to the requestor.

We agree that the department has generally shown the applicability of section 552.108(a)(2) of the Government Code to the remaining information at issue.<sup>1</sup> Section 552.108(a)(2) provides that information is excepted from disclosure if “it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication.” However, section 552.108(c) provides that “basic information about an arrested person, an arrest, or a crime” is not excepted from disclosure. You must therefore provide the requestor with front page offense report information, since this type of information provides basic information about the allegations. We note that the location of the information on the first page of an offense report is not determinative of whether the information is front page public information. The

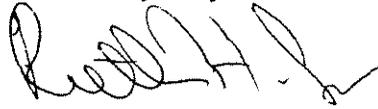
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<sup>1</sup> We also note that the department has the discretion to release all or part of the information at issue that is not otherwise confidential by law. Gov’t Code § 552.007.

department must release front page information even if it is not actually located on the first page of the report. *See generally 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) (front page offense report information is generally considered public).

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 any questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: ID# 108719

Enclosures: Submitted documents

cc: Mr. Charles Horn  
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(w/o enclosures)

