

February 3, 1999

Ms. Lisa Aguilar  
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Corpus Christi, Texas 78469-9277

OR99-0313



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Dear Ms. Aguilar:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121899.

The City of Corpus Christi (the "city") received a request for six categories of documents maintained by its police department. You indicate that there are no documents responsive to items 5 and 6 of the request. You state that the city is providing the requestor with the information responsive to items 1, 2, and 3 of the request, as well as some information responsive to item 4 of the request. You contend that three offense reports responsive to item 4 of the request are excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the documents at issue.

Initially, we note that one of the submitted offense reports is confidential by law. Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 552.101 encompasses confidentiality provisions such as section 58.007 of the Family Code. Juvenile law enforcement records relating to conduct that occurred on or after September 1, 1997 are confidential under section 58.007. The relevant language of section 58.007(c) reads as follows:

(c) Except as provided by Subsection (d), law enforcement records and files concerning a child may not be disclosed to the public and shall be:

- (1) kept separate from adult files and records; and
- (2) maintained on a local basis only and not sent to a central state or federal depository, except as provided by Subchapter B.

Offense report number 98-043163 is a law enforcement record concerning juvenile conduct that occurred after September 1, 1997. Thus, the report is confidential pursuant to section 58.007(c) of the Family Code. Section 58.007 does not give the requestor a right of access to the report. See Fam. Code § 58.007(d)-(g).

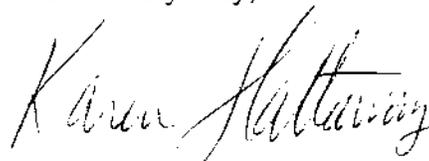
Accordingly, the city must withhold offense report number 98-043163 from disclosure in its entirety under section 552.101 of the Government Code.

We will address your section 552.108 claim for the two remaining offense reports. Section 552.108(a) 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 . . . if: (1) release of the information would interfere with the detection, investigation, or prosecution of crime; [or] (2) 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.” You state that the two remaining offense reports relate to pending criminal investigations. Based upon this representation, we conclude that the release of these offense reports would interfere with the detection, investigation, or prosecution of crime. *See 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) (court delineates law enforcement interests that are present in active cases).

We note, however, that information normally found on the front page of an offense report is generally considered public. *See generally* Gov’t Code § 552.108(c); *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). Thus, you must release from the two remaining offense reports the type of information that is considered to be front page offense report information, even if this information is not actually located on the front pages of the offense reports. Although section 552.108(a)(1) authorizes you to withhold the remaining information in these offense reports 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,



Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

Ref: ID# 121899

Enclosures: Submitted documents

cc: Ms. Nicole Perez  
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(w/o enclosures)