



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 4, 1997

Mr. Kevin D. Pagan
Assistant City Attorney
City of McAllen
P.O. Box 220
McAllen, Texas 78505-0220

OR97-0713

Dear Mr. Pagan:

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# 105165.

The City of McAllen Police Department (the "department"), which you represent, received a request for three specific incident reports. You indicate that you have released the "front page" offense report information to the requestor. You contend that the remainder of the information is excepted from public disclosure by section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted documents.

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).

Although you indicate that you have released the first page of the offense report, we note that you must also release 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 page of the offense report. Section 552.108 provides that you may withhold the remaining information from disclosure, although you may choose to release all or part of the information at issue that is not otherwise confidential by law. 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,



Vickie Prehoditch
Assistant Attorney General
Open Records Division

VDP/gle

Ref: ID# 105165

Enclosures: Submitted documents

cc: Ms. Marie de los Angeles Trevino
5917 Heron Court
McAllen, Texas 78504
(w/o enclosures)