



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 22, 1997

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

OR97-0901

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# 105164.

The City of McAllen (the "city") received a request for information related to case number 96-48457. You assert that the requested information is excepted from disclosure section 552.108 of the Government Code, with the exception of "front page" offense report information which you state the city has already released. We have considered your argument and have reviewed the information submitted.

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). Because 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. You state that you have released to the requestor information that typically appears on the first page of an offense report. Therefore, you may withhold the remainder of the requested information under section 552.108. You may, however, choose to release any of the requested information not otherwise confidential by law. Government 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,



Michael A. Pearle
Assistant Attorney General
Open Records Division

MAP/ch

Ref.: ID# 105164

Enclosures: Submitted documents

cc: Ms. Carmen Maureen Gomez
3401 N. 23rd
McAllen, Texas 78501
(w/o enclosures)