



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 30, 1997

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

OR97-0207

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# 103655 and ID# 103888.

The McAllen Police Department (the "department") received two open records requests for the offense reports pertaining to a particular unsolved homicide. You state that the department has released to the requestors all of the "front page offense report information" in accordance with *Houston Chronicle Publishing Company 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). You seek to withhold all of the remaining requested information pursuant to section 552.108 of the Government Code.

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 information you seek to withhold comes within the purview of section 552.108, we conclude that the information at issue may be withheld under this section. Please note, however, that the department 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,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/RWP/rho

Ref.: ID# 103655

Enclosures: Submitted documents

cc: Mr. James Pinkerton  
Houston Chronicle, Rio Grande Valley Bureau  
1325 S. 77 Sunshine Strip, Suite 10  
Harlingen, Texas 78550  
(w/o enclosures)

Ms. Pauline A. Arrillaga  
KGBT-TV  
9201 West Expressway 83  
Harlingen, Texas 78550  
(w/o enclosures)