



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 5, 1997

Mr. Douglas Poneck
Escamilla & Poneck
1200 South Texas Building
San Antonio, Texas 78205-1826

OR97-0265

Dear Mr. Poneck:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 103671.

The South San Antonio Independent School District (the "district") received a request for "[i]ncident reports for thefts that have occurred at the [district] in the month of October, 1996." You state that much of the information has already been provided to the requestor. However, you assert that one of the reports and a supplement to that report are excepted from disclosure pursuant to 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).

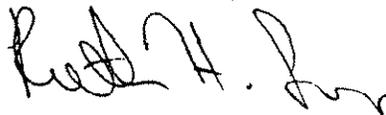
You submitted the report and supplement at issue to this office. It is an incident report of the district's police department. In Open Records Decision No. 612 (1992) at 3, this office stated that "[w]e see no reason for distinguishing the offense and arrest records of a university campus police department from those of police departments generally." We agree that section 552.108 is generally applicable to the report and supplement. However, the district must release the type of information that is generally considered to be front page offense report information.¹ *See generally Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.]

¹We note that records maintained by a law enforcement unit and that were created by the law enforcement unit for purposes of law enforcement are not confidential education records. 20 U.S.C. § 1232g(a)(4)(B)(ii).

1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). For your convenience, we have enclosed a summary showing the types of information considered to be 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 questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 103671

Enclosures: Submitted documents
Summary of Open Records Decision No. 127

cc: Analisa Nazareno
San Antonio Express-News
P.O. Box 2171
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(w/o enclosures)