



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 3, 1997

Ms. Elaine S. Hengen
Assistant City Attorney
The City of El Paso
2 Civic Center Plaza
El Paso, Texas 79901-1196

OR97-0694

Dear Ms. Hengen:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 105017.

The City of El Paso (the "city") received a request for its records pertaining to Case No. 96-259054. You assert that, with the exception of the incident report, the requested information is excepted from required public disclosure based on Government Code section 552.108.

Section 552.108 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," 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). Information normally found on the front page of an offense report is generally considered public. *Houston Chronicle Publishing 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).

You urge that in this case section 552.108 applies to portions of the front page of the offense report. In particular, you aver that because of the threat of gang retaliation, section 552.108 applies to information that identifies the victim and witness. We agree. *Houston Chronicle*, 532 S.W.2d 177 at 186; see also Open Records Decision No. 628 (1994) at 2-3. Accordingly, the city must release the front page offense report information, with the exception of the information that identifies the victim and witness. In addition, the city may withhold the remaining information from disclosure based on section 552.108.

We are resolving this matter with this 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 may 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,



Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 105017

Enclosures: Submitted documents

cc: Mr. Felipe Gonzalez
8136 Tigua Circle
El Paso, Texas 79907
(w/o enclosures)