



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 22, 1997

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

OR97-1185

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# 105856.

The City of McAllen (the "city") received a request for various offense reports. You assert that the requested information is excepted from disclosure pursuant to 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.<sup>1</sup>

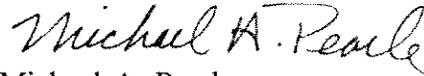
Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters 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.

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<sup>1</sup>We note the requestor asked for a total of sixteen different offense reports. You have submitted to this office as responsive to the request only ten. The remaining six offense report numbers, as listed on the Public Information Request Form submitted to this office, have strike marks through them. As you do not argue that these records do not exist, we assume these marks indicate the requestor no longer seeks these records, or, that you have released the remaining six offense reports to the requestor.

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# 105856

Enclosures: Submitted documents

cc: Mr. Joe G. Martinez  
J&E Oil Get N Go #5  
4200 S. 23rd  
McAllen, Texas 78503  
(w/o enclosures)