



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 29, 1997

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

OR97-1723

Dear Mr. Pagan:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 107747.

The City of McAllen (the "city") received a request for a copy of a particular offense report. You indicate that you have released the "front page" offense report information to the requestor. You contend that the remainder of the report is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the report at issue.

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). However, information normally found on the front page of an offense report, including a detailed description of the offense, is generally considered public.<sup>1</sup> *Houston Chronicle Publ'g 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).

We note that the information you have released to the requestor does not include a detailed description of the offense. With this in mind, we conclude that, except for front page

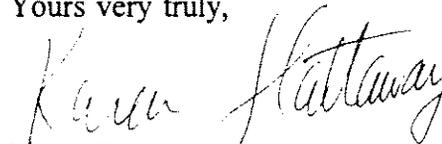
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<sup>1</sup>The content of the information determines whether it must be released in compliance with *Houston Chronicle*, not its literal location on the first page of an offense report. Open Records Decision No. 127 (1976) contains a summary of the types of information deemed public by *Houston Chronicle*.

offense report information to include a detailed description of the offense, section 552.108 excepts the report from required public disclosure. For your convenience, we have included a summary of Open Records Decision No. 127 (1976) which shows the types of information that may and may not be withheld under section 552.108. Of course, you may choose to release all or part of the information in the report that is not otherwise confidential by law. 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 any questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref: ID# 106846

Enclosures: Submitted documents  
Summary of Open Records Decision No. 127 (1976)

cc: Ms. Mary E. Mendiola  
213 N. 40th  
McAllen, Texas 78501  
(w/o Submitted documents, w/ Summary of Open Records Decision No. 127 (1976))