



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 15, 1997

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

OR97-1831

Dear Mr. Pagan:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. We assigned your request ID# 108365.

The McAllen Police Department received a request for certain police reports and photographs. The McAllen Fire Department received a request for information pertaining to a fire. You submitted to this office for review the requested documents. Your letter indicates that you have already provided the requestor with front page offense report information from the requested records. However, you seek to withhold from disclosure, pursuant to section 552.108 of the Government Code, the remaining information.

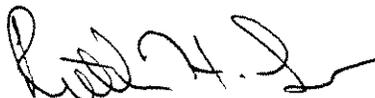
Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime" and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." See *Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). However, information that is found on the front page of an offense report is generally considered to be public information. See generally *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). Pursuant to section 552.108, you may withhold from disclosure the information that does not constitute front page offense report information.¹

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

¹We note that it is within the city's discretion to release any of the non-confidential information at issue. Gov't Code § 552.007. However, we also note that some of the information submitted may be confidential pursuant to common-law privacy or other provisions of law.

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

Enclosures: Submitted documents

Ref.: ID# 108365

cc: Lynn Coleman
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(w/o enclosures)