



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 10, 1997

Ms. Tracy B. Calabrese  
Assistant City Attorney  
City of Houston  
P.O. Box 1562  
Houston, Texas 77251-1562

OR97-2479

Dear Ms. Calabrese:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 110820.

The City of Houston received a request for a particular offense report. You claim that portions of the requested report are excepted from disclosure by section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the offense report.

The Seventy-fifth Legislature amended section 552.108 of the Government Code to provide in part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication;

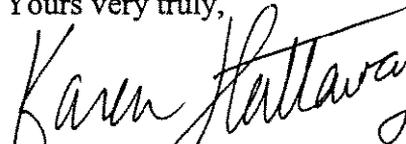
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(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

Gov't Code § 552.108. You state that the requested offense report pertains to an investigation which did not result in a conviction or deferred adjudication. Under these circumstances, we conclude that section 552.108(a)(2) is applicable. We understand that you have already released the front page offense report information as required by section 552.108(c) and *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). You may withhold the remaining portions of the offense report from disclosure under section 552.108(a)(2).

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,



Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/ch

Ref: ID# 110820

Enclosures: Submitted documents

cc: Ms. Maria C. Ledesma  
3722 Lake Street  
Houston, Texas 77098  
(w/o enclosures)