



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 20, 1998

Mr. John Steiner
Division Chief
Law Department
City of Austin
P.O. Box 1546
Austin, Texas 78767-1546

OR98-0187

Dear Mr. Steiner:

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# 111695.

The Austin Police Department (the "department") received a request for records involving an individual who committed suicide in his family home. The requested information concerns juvenile conduct which occurred prior to January 1, 1996. You state that the "front page" information has been released along with all reports requested except those which are juvenile reports dated prior to January 1, 1996. Accordingly, you claim the remaining information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108(a)(2) of the Government Code, as amended by the Seventy-fifth Legislature, excepts from required public disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . 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." You explain that the requested records have not resulted in a final conviction or a deferred adjudication and you have indicated on the various records submitted notations of "no charges filed" or "no case by DA." Thus, the cases did not result in a conviction or deferred adjudication. Because you have shown that the records at issue pertain to criminal investigations that did not result in a conviction or deferred adjudication, we conclude that you have met your burden of establishing the applicability of section 552.108(a)(2). The department may withhold the information at this time pursuant to section 552.108.¹

¹As we address your exception under section 552.108, we do not address the other exception raised.

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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Janet I. Monteros', written over a horizontal line.

Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/alg

Ref.: ID# 111695

Enclosures: Submitted documents

cc: Ms. Patricia L. Bowcock
Bowcock & Morgan
48 East Avenue, Suite 106
Austin, Texas 78701
(w/o enclosures)