



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 16, 1998

Mr. Ted W. Hejl  
Attorney at Law  
P.O. Box 192  
Taylor, Texas 76574

OR98-1460

Dear Mr. Hejl:

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# 116074.

The Taylor Police Department (the "department"), which you represent, received an open records request for two investigations of the department conducted by the Texas Rangers. As responsive to the request, you have submitted to this office for review two such investigations: a 1995 investigation into allegations of official oppression and a 1997 investigation into missing drugs and money from the department's "evidence holding bin." Both of the investigations were criminal in nature. Neither investigation, however, resulted in criminal prosecution. You contend the requested records are excepted from required public disclosure pursuant to section 552.108 of the Government Code.

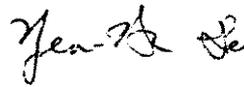
Section 552.108(a)(2) of the Government Code excepts from required public disclosure "information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication." Because you inform us that the criminal investigations have concluded and that these investigation did not result in criminal prosecution, we conclude that you have met your burden of establishing the applicability of section 552.108(a)(2) to the two investigation reports.

Section 552.108 of the Government Code does not, however, except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). Consequently, the department must release to the requestor the categories of information specifically made public in *Houston Chronicle Publishing Company 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). The name of the complainant in the 1995 investigation must be withheld, however, on privacy grounds. *See* Open Records Decision No. 339 (1982) (identity of sexual assault victim protected by common-law privacy).

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,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/RWP/rho

Ref: ID# 116074

Enclosures: Submitted documents

cc: Mr. Alfredo Z. Delgado  
709 Huff Street  
Taylor, Texas 76574  
(w/o enclosures)