



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 3, 1998

Captain Robert Taylor  
Amarillo Police Department  
200 East 3<sup>rd</sup>  
Amarillo, Texas 79101-1514

OR98-2118

Dear Captain Taylor:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 118179.

The City of Amarillo (the "city") received a request for certain offense reports, which you assert are excepted from disclosure under section 552.108(a)(2) of the Government Code.

Based on your statement that you do not seek to withhold the front page information from disclosure, we assume that this information has already been provided to the requestor. Section 552.108(c) provides that "basic information about an arrested person, an arrest, or a crime" is not excepted from disclosure. Front page offense report information must generally be disclosed, since this type of information provides basic information about the allegations. *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) (front page offense report information is generally considered public). We thus address your section 552.108(a)(2) argument concerning the remaining portions of the reports.

Section 552.108(a)(2) provides that information is excepted from disclosure if it "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 state that the investigations have concluded but that the cases were not adjudicated. As you explain that the cases concluded in a result other than a conviction or deferred adjudication, we agree that you have shown the applicability of section 552.108(a)(2) to the information at issue. This information may therefore be withheld from disclosure.<sup>1</sup>

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<sup>1</sup>We also note that the city has discretion to release all or part of the remaining information 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 questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', written in a cursive style.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: ID# 118179

Enclosures: Submitted documents

cc: Aa-nee Bible Frost  
City of Amarillo  
14641 Sundown Trail  
Amarillo, Texas 79148  
(w/o enclosures)