



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 10, 1998

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

OR98-2160

Dear Captain Taylor:

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# 118094.

The Amarillo Police Department ("the department") received a request for Incident Report No. 97-104819. You assert that the requested report is excepted from required public disclosure based on section 552.108(a)(2) of the Government Code, which reads as follows:

(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:

...

(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

Information relating to a criminal investigation or prosecution may be withheld under this provision when the investigation or prosecution concluded in a result other than a conviction or deferred adjudication. You state that "the case has not been adjudicated and therefore has not resulted in a conviction or deferred adjudication against any person." The report indicates that the case is closed. We conclude that the requested information "deals with the detection, investigation, or prosecution of crime . . . in relation to an investigation that *did* not result in conviction or deferred adjudication." However, section 552.108 is inapplicable to "basic information about an arrested person, an arrest, or a crime." Gov't Code

§ 552.108(c). We believe “basic information about an arrested person, an arrest, or a crime” for purposes of section 552.108 means the front page offense report information deemed public in *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). *See also* Open Records Decision No. 127 (1976). Thus, with the exception of such basic information, the department may withhold the requested report from the requestor based on section 552.108(a)(2) of the Government Code.

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,



Janet I. Monteros  
Assistant Attorney General  
Open Records Division

JIM/nc

Ref.: ID# 118094

Enclosures: Submitted documents

cc: Mr. Donald Eugene Logon, Jr.  
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Amarillo, Texas 79108  
(w/o enclosures)