



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 2, 1998

Ms. E. Cary Grace  
Assistant City Attorney  
City of Houston-Legal Department  
P. O. Box 1562  
Houston, Texas 77251-1562

OR98-2349

Dear Ms. Grace:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 118527.

The City of Houston (the "city") received a request for a copy of an offense report relating to an assault. You state that you will release the "Public Release Information portion" of the offense report to the requestor.<sup>1</sup> You contend that the remaining information in the offense report is excepted from disclosure under section 552.108(a)(2) of the Government Code. We have considered the exception you claim and have reviewed the information at issue.

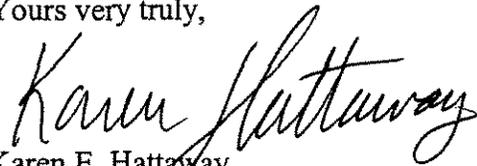
Section 552.108(a)(2) excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication." You indicate that the investigation of the assault has concluded. You state that "[c]harges against the named suspect were dismissed on February 24, 1994," and that "the statute of limitations on the State's ability to initiate prosecution for this offense has expired." Under these circumstances, we conclude that the city may withhold the information at issue from disclosure under section 552.108(a)(2).

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<sup>1</sup>Information normally found on the front page of an offense report is generally considered public. See generally Gov't Code § 552.108(c); *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).

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# 118527

Enclosures: Submitted documents

cc: Mr. Daniel Scesney  
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Dallas, Texas 74247  
(w/o enclosures)