



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 8, 1998

Captain Robert Taylor
Amarillo Police Department
200 E. 3rd
Amarillo, Texas 79101-1514

OR98-2396

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# 118674.

The Amarillo Police Department (the "department") received a request for a case file. You assert that the requested information, except for the basic, front page offense report information, is protected from disclosure under section 552.108.

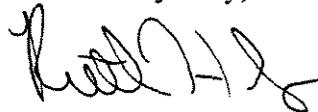
Section 552.108(c) provides that "basic information about an arrested person, an arrest, or a crime" is not excepted from disclosure. Front page offense report information, which includes a detailed description of the alleged offense, must generally be disclosed, since this type of information provides 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). You indicate that the requestor has been provided front page offense report information, so the only information at issue is the remaining portion of the offense report.

Section 552.108(a)(2) excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. You state that the matter concluded without any adjudication, and thus did not result in a conviction or deferred adjudication. We agree that you have shown the applicability of section 552.108(a)(2) to the records, which may be withheld from disclosure.¹

¹We also note that the department 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# 118674

Enclosures: Submitted documents

cc: Ms. Ruth B. Jackson
Attorney at Law
One Riverfront Place, Suite 950
Newport, Kentucky 41071
(w/o enclosures)