



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 22, 1998

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

OR98-2473

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# 118814.

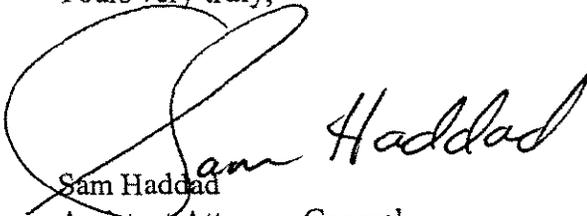
The Amarillo Police Department (the "department") received an open records request for the offense report pertaining to a particular assault. You have submitted to this office the requested offense report and contend that, except for the "front page offense report" information specifically made public 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 requested information is 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 "[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." The records before us indicate that the county attorney declined to pursue criminal charges in connection with the alleged assault. We, therefore, conclude that you have met your burden of establishing the applicability of section 552.108(a)(2) and that the information at issue therefore may be withheld.

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 that reads "Sam Haddad". The signature is written in a cursive style with a large, looping initial "S".

Sam Haddad  
Assistant Attorney General  
Open Records Division

SH/RWP/nc

Ref.: ID# 118814

Enclosures: Submitted documents

cc: Ms. Denise Fabela  
1220 Pecan  
Amarillo, Texas 79107  
(w/o enclosures)