



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 30, 1998

Ms. Judith A. Hunter
Paralegal
City Attorney's Office
City of Georgetown
P.O. Box 409
Georgetown, Texas 78627-0409

OR98-2875

Dear Ms. Hunter:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 119792.

The City of Georgetown ("the city") received a request for information regarding a boating accident that occurred June 28, 1998. You have supplied the responsive information, which you contend is excepted from public disclosure pursuant to section 552.108 of the Government Code. We have reviewed the subject information and the exception raised.

Section 552.108 of the Government Code, as amended by the Seventy-fifth Legislature, excepts from required public disclosure

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:

- (1) release of the information would interfere with the detection, investigation, or prosecution of crime;
- (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; or

Based on your representation that the requested report "relates to law enforcement investigation that did not result in conviction or deferred adjudication," we conclude that the information is excepted from disclosure under Section 552.108 of the Government Code.

We note, however, that 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*, 531 S.W.2d 177; Open Records Decision No. 127 (1976). Thus, you must release the type of information that is considered to be front page offense report information, including a detailed description of any offense or arrest, even if this information is not actually located on the front page of the report. In Open Records Decision No. 127 (1976), this office summarized the front page information of an offense report.

Although section 552.108(a)(1) authorizes you to withhold the remaining information from disclosure, you may choose to release all or part of the information at issue that is not otherwise confidential by law. *See* 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,



Michael J. Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 119792

Enclosures: Submitted documents

cc: Mr. Jay Dusthimer
16801 Sabertooth Drive
Round Rock, Texas 78681
(w/o enclosures)