



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 21, 1998

Ms. Tenley A. Aldredge  
Assistant County Attorney  
Travis County  
P.O. Box 1748  
Austin, Texas 78767

OR98-3203

Dear Ms. Aldredge:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 120864.

The Travis County Sheriff's Office (the "sheriff") received a request for a copy of the officer's report regarding an individual who died on May 16, 1998. You contend that this report is excepted from disclosure under sections 552.101 and 552.108 of the Government Code.<sup>1</sup> We have considered the exceptions you claim and have reviewed the documents at issue.

Section 552.108(a)(2) excepts from disclosure records held by a law enforcement agency or prosecutor that deal with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication. Gov't Code § 552.108(a)(2). The sheriff investigated the death on May 16, 1998 and determined that the death resulted from natural causes. Therefore, the sheriff's investigation concluded in a final result other than conviction or deferred adjudication. Accordingly, we find that section 552.108(a)(2) is applicable to the requested report.

We note, however, that "basic information about an arrested person, an arrest, or a crime" is not excepted from required public disclosure. Gov't Code § 552.108(c). Basic information is the type of information that is considered to be front page offense report information, even if this information is not actually located on the front page of the offense report. *See generally Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14<sup>th</sup> Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Therefore, we conclude that, except

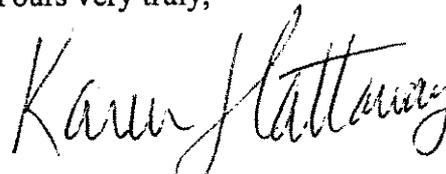
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<sup>1</sup>Initially, you also raised section 552.115 of the Government Code, but you withdrew your section 552.115 claim in a letter to this office dated October 26, 1998.

for basic information, the sheriff may withhold the requested report from disclosure under section 552.108(a)(2). Of course, the sheriff 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.*

Because we are able to resolve this matter under section 552.108, we do not address your section 552.101 claim. 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# 120864

Enclosures: Submitted documents

cc: Ms. Kelli M. Davila  
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(w/o enclosures)