



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 22, 1998

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

OR98-3241

Dear Captain Taylor:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 120703.

The City of Amarillo (the "city") received a request for Incident Report 98-66545. You contend that this information is excepted from disclosure by section 552.108 of the Government Code. You have supplied the responsive information to this office. We have considered the exception you claim and have reviewed the documents at issue.

The Seventy-fifth Legislature amended section 552.108 of the Government Code to provide in pertinent part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

...

(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;

...

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

Unless information relates to a concluded criminal investigation or prosecution that did not result in a conviction or deferred adjudication, it may not be withheld under section 552.108(a)(2). You inform this office that the subject investigation "has been concluded; it has not been adjudicated and therefore has not resulted in a conviction or a deferred adjudication against any party." Additionally, you have enclosed a disposition sheet showing that the case was refused for prosecution. Consequently, we find that you have shown the applicability of section 552.108(a)(2) to the requested information. With the exception of "front page" information the responsive documents may be withheld.

The type of information that is considered to be front page offense report information must be released, irrespective of its actual location in the responsive documents. 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) (delineating types of information that must be released); Open Records Decision No. 127 (1976). Although section 552.108 provides that you may 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. 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# 120703

Enclosures: Submitted documents

cc: Ms. Isidorita Garcia  
1501 N. Orange Street  
Amarillo, Texas 79101  
(w/o enclosures)