

January 11, 1999



OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

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

OR99-0063

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# 121066.

The Amarillo Police Department (the "department") received a request for certain police reports. You assert that two of the requested reports are excepted from disclosure under section 552.108, and that the other three responsive reports are excepted from disclosure in their entirety under section 58.007 of the Family Code, in conjunction with section 552.101 of the Government Code. Section 552.101 excepts from required public disclosure information that is made confidential by law, including information made confidential by statute.

We first address your argument that three of the reports at issue are confidential under the Family Code. Section 58.007(c) of the Family Code reads, in part, as follows:

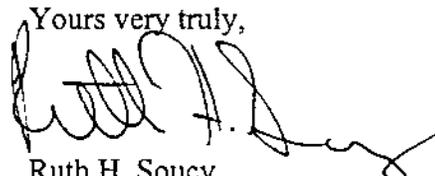
Except as provided by Subsection (d), law enforcement records and files concerning a child may not be disclosed to the public

Subsection (d), which concerns the transfer of records in certain circumstances, is inapplicable to these reports. Section 58.007(c), in conjunction with section 552.101 of the Government Code, makes confidential the three reports that concern the conduct of minors. *See also* Fam. Code § 51.02(2) (defining "child"). Thus, the reports are confidential in their entirety, either if the requestor is a parent.

You assert that report #97-57582 is excepted from disclosure under section 552.108(a)(2) of the Government Code because the case investigation did not result in either a conviction or deferred adjudication. Section 552.108(a)(2) excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. You assert that report #98-84123 is excepted from disclosure under section 552.108(a)(1) because there is pending prosecution in this case. Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor and that deals with the detection, investigation, or prosecution of crime, when release of such information would interfere with the detection, investigation, or prosecution of crime.

Based on the information provided to this office, we agree that you have shown the applicability of section 552.108(a)(2) to report #97-57582 and of section 552.108(a)(1) to report #98-84123. However, you must release front page offense and arrest report information in these two reports. Section 552.108(c) provides that basic offense report information is not protected from disclosure under section 552.108. Basic information is the type of information that is generally included on the front page of an offense or arrest report. *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177, 186-87 (Tex. Civ. App.--Houston [15th Dist.] 1975), *writ ref'd n.r.e. per curiam*, S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976).

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,

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 121066

Enclosures: Submitted documents