



July 1, 1999

Mr. Steven J. Duskie  
Assistant City Attorney/Police Legal Advisor  
City of Corpus Christi  
P.O. Box 9016  
Corpus Christi, Texas 78469-9016

OR99-1839

Dear Mr. Duskie:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 125377.

The City of Corpus Christi (the "city") received a request for information pertaining to a particular offense. You indicate that you have provided some of the requested information to the requestor and that some of the documents do not exist. However, you seek to withhold from disclosure one portion of a document under section 552.108(a)(2) of the Government Code. You characterize the information at issue as an internal department communication that briefly summarizes an offense report. Section 552.108(a)(2) excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication.

Based upon your assertion that the investigation concluded in a result other than a conviction or deferred adjudication, we agree that the indicated portion of the document is excepted from disclosure under section 552.108(a)(2).<sup>1</sup> In making this determination, we assume that you have already released the basic offense report information. 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

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<sup>1</sup>Because we agree with your section 552.108(a)(2) argument, we need not discuss further your other argument against disclosure.

an offense report, including a detailed description of the incident. *Houston Chronicle Publ'g 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.

Sincerely,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: ID# 125377

Encl. Submitted documents

cc: Ms. Michele Villarreal-Kuchta  
Attorney at Law  
3141 Morgan Avenue  
Corpus Christi, Texas 78405  
(w/o enclosures)