



July 9, 1999

Ms. Kristi DeCluitt
Assistant City Attorney
City of College Station
P.O. Box 9960
College Station, Texas 77842

OR99-1913

Dear Ms. DeCluitt:

You have asked this office to clarify our ruling in Open Records Letter No. 99-1492 (1999). Your request was assigned ID# 127296.

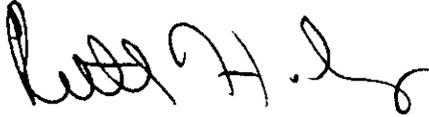
In Open Records Letter No. 99-1492 (1999), this office ruled that certain documents could be withheld from disclosure under section 552.108(a)(1) of the Government Code. Section 552.108(a)(1) provides an exception from disclosure for information that is held by a law enforcement agency or prosecutor 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. It was our understanding that the case was active and waiting on further information for prosecution.

You have explained that the case actually did conclude but did not result in a conviction or deferred adjudication. You thus ask whether the documents that we said could be withheld under section 552.108(a)(1) are actually protected under section 552.108(a)(2) of the Government Code. 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 explanation, we agree that section 552.108(a)(2) is applicable to protect from disclosure all but the basic offense information, as provided under section 552.108(c). As we explained in Open Records Letter No. 99-1492 (1999), basic information is the type of information that is generally included on the front page of 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). Basic, front page information is generally public and must be released.

We hope that this clarification helps. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Ruth H. Soucy". The signature is fluid and cursive, with the first name "Ruth" being more prominent and the last name "Soucy" following in a similar style.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 127296

cc: Mr. John Elick
Attorney at Law
P.O. Box 803
Bellville, Texas 77418