



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 2, 1998

Ms. Sara Fauls  
City Attorney  
City of Copperas Cove  
507 South Main Street  
Copperas Cove, Texas 76522

OR98-2916

Dear Ms. Fauls:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 120093.

The City of Copperas Cove Police Department received a request for records of the investigation into a death. You seek to withhold the requested information under sections 552.108 and 552.101 of the Government Code.

Section 552.108(a)(2) excepts from required public disclosure

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:

....

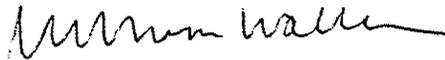
(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication[.]

You advise that, since the coroner determined that the death to which the requested records relate was not due to criminal activity, no charges were filed in connection therewith. Based on your representations, we conclude that you may generally withhold the requested records under section 552.108(a)(2).

Section 552.108 does not, however, except from required public disclosure information of the kind ordinarily found on the first page of an incident report. Such "first page" information was specifically made public by *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). *See also* Gov't Code § 552.108(c) ("basic information" is public). Except for such "first page" information, which you must release, you may withhold the requested records under section 552.108(a)(2). We do not address your section 552.101 claim since we have determined that you may withhold under section 552.108(a)(2) the material you also seek to withhold under section 552.101.

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,



William Walker  
Assistant Attorney General  
Open Records Division

WMW/ch

Ref: ID# 120093

Enclosures: Submitted documents

cc: Ms. Katherine Gividen  
8291 58<sup>th</sup> Street  
Pinellas Park, Florida 33781  
(w/o enclosures)