

January 20, 1999

Ms. Tenley A. Aldredge
Assistant County Attorney
Travis County
P.O. Box 1748
Austin, Texas 78767



OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

— * —
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OR99-0138

Dear Ms. Aldredge:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 121534.

The Travis County Sheriff's Department (the "department") received an open records request for five particular incident reports. You have submitted to this office the requested information and contend that these reports are excepted from required public disclosure pursuant to, *inter alia*, section 552.108 of the Government Code.

Section 552.108(a)(2) of the Government Code excepts from required public disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . 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." After reviewing the records at issue, we conclude that you have met your burden of establishing the applicability of section 552.108(a)(2) with regard to the requested incident reports and that most of the information contained in these reports therefore may be withheld.¹

Section 552.108 does not, however, except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). Because you have raised no other applicable exception to disclosure,

¹Because we resolve your request under section 552.108(a)(2), we need not address the applicability of the other exceptions you raised. We base our conclusion here on your representation that none of the incidents described in the reports at issue, including the arrests made pursuant to traffic warrants, resulted in a conviction or deferred adjudication.

the department must release these types of information from each of the incident reports to the requestor in accordance with *Houston Chronicle Publishing Company 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).²

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,



Don Ballard
Assistant Attorney General
Open Records Division

JDB/RWP/nc

Ref: ID# 121534

Enclosures: Submitted documents

cc: Mr. Steven Hake
1306 Guadalupe
Austin, Texas 78701
(w/o enclosures)

²We note that the information you contend is excepted from public disclosure pursuant to section 552.130 of the Government Code does not constitute "front page offense report information."