



April 20, 1999

Mr. Jason Marshall
Nichols, Jackson, Dillard, Hager & Smith
1800 Lincoln Plaza
500 North Akard
Dallas, Texas 75201

OR99-1062

Dear Mr. Marshall:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 124781.

The City of Coppell (the "city") received a request for information regarding the investigation of two particular persons. You have made the bulk of the information requested available, but you claim that some of the requested information sought in paragraphs 10 and 11 of the request is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

You argue that the information is excepted from disclosure under section 552.108 of the Government Code. Section 552.108 reads in pertinent part as follows:

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

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

(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[.]

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....

(c) This section does not except from [public disclosure] information that is basic information about an arrested person, an arrest, or a crime.

You advise us that the information at issue relates to criminal investigations which have concluded in a manner other than a finding of guilt or deferred adjudication. Based on your representations, we conclude that, as the requested information deals with the prosecution of a crime only in relation to investigations that did not result in conviction or deferred adjudication the city may withhold the information pursuant to section 552.108 (a)(2) of the Government Code with the following exception.

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). This office considers such basic information to encompass the front page offense report information the court held to be public in *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). You must release these types of information in accordance with *Houston Chronicle*.

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,

David Van Brunt Price
David Van Brunt Price
Assistant Attorney General
Open Records Division

DVP\nc

Ref: ID# 124781

Encl: Submitted documents

cc: Mr. Doyle Calfey
1013 North Sleepy Hollow
Irving, Texas 75061
(w/o enclosures)