



November 23, 1999

Mr. Michael L. Scanlon
Bickerstaff, Heath, Smiley,
Pollan, Keever & McDaniel L.L.P.
3000 Bank One Center
1717 Main Street
Dallas, Texas 75201-4335

OR99-3358

Dear Mr. Scanlon:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 130246.

The Flower Mound Police Department (the “department”), which you represent, received a request for a particular incident report. You indicate that the department will make available to the requestor all “basic information” contained in the report in accordance with section 552.108(c) of the Government Code and *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). You seek to withhold, however, a small portion of the narrative contained in the incident report pursuant to section 552.108(a)(2) of the Government Code.

Section 552.108(a)(2) of the Government Code excepts from required public disclosure “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.” This exception applies to records pertaining to criminal investigations and prosecutions that have concluded and did not result in a conviction or deferred adjudication. You state that the “incident report . . . did not result in further investigation.” We conclude, therefore, that the department may withhold the information you have marked pursuant to section 552.108(a)(2) of the Government Code.

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,

A handwritten signature in black ink, appearing to read "Sam Haddad". The signature is written in a cursive style with a large, looping initial "S".

~~Sam Haddad~~
Assistant Attorney General
Open Records Division

SH/RWP/nc

Ref: ID# 130246

Encl. Submitted documents

cc: Ms. Jeanne Snell
2824 Chelsea Lane
Flower Mound, Texas 75028
(w/o enclosures)