



Office of the Attorney General
State of Texas

June 23, 1993

DAN MORALES
ATTORNEY GENERAL

Ms. Elaine Hengen Piper
Assistant City Attorney
Police Legal Advisor
City of El Paso
2 Civic Center Plaza
El Paso, Texas 79901-1196

OR93-335

Dear Ms. Piper:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 19131.

The El Paso City Attorney's Office received a request for information concerning various internal affairs investigations of two police officers employed by the El Paso Police Department. You contend that most of the information is excepted from disclosure by section 3(a)(1) as information deemed confidential by judicial decision, as well as several other exceptions under section 3(a).

The El Paso Public Defender's Office (the "public defender") requested the information and subsequently issued a subpoena duces tecum to obtain the same records. You then filed a motion to quash the subpoena duces tecum and a hearing was held where the presiding judge ruled that the public defender could only have access to one of the reports, Case No. IA84-79. You state that the judge then ruled in a non-written decision that the remainder of the documents were not relevant and non-discoverable; the judge then "sealed and filed the envelope containing the copies for appellate purposes."

We believe the documents, with the exception of Case No. IA84-79 which the judge has ruled as relevant and discoverable by the public defender, are excepted by section 3(a)(7) as records "which by order of a court are prohibited from disclosure." You may therefore withhold all of the requested information, except for Case No. IA84-79.¹

¹Since we have determined that section 3(a)(7) excepts the documents from disclosure, it is not necessary to address the other exceptions you raised.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Opinion Committee

LRD/TCC/jmn

Ref.: ID# 19131
ID# 20158
ID# 20171
ID# 20313

Enclosures: Submitted documents

cc: Mr. David C. Guaderrama
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