



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 9, 1996

Mr. Patrick S. Dohoney  
Assistant District Attorney  
Tarrant County Criminal District Attorney  
Justice Center  
401 W. Belknap  
Fort Worth, Texas 76196

OR96-1616

Dear Mr. Dohoney:

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#100526.

The Tarrant County Sheriff's Department (the "county") has received a request for documents relating to an investigation into a death that occurred in a county jail. You have released some of the information to the requestor, the mother of the deceased. You assert, however, that the remaining records, specifically sections two through five of the custodial death report and attachments to the report, are excepted from required public disclosure under section 551.101 of the Government Code and article 49.18(b) of the Code of Criminal Procedure.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." In Open Records Decision No. 521 (1989) at 5, this office concluded that under article 49.18(b) of the Code of Criminal Procedure, in conjunction with a directive issued by the Office of the Attorney General, section one of a custodial death report filed with this office is public information, but sections two through five of the report, as well as attachments to the report, are confidential. *See* Code Crim. Proc. art. 49.18(b) ("The attorney general shall make the report, with the exception of any portion of the report that the attorney general determines is privileged, available to any interested person"). The county has released section one of the custodial death report. However, because sections two through five of the report and attachments thereto are deemed confidential under article 49.18(b), the county must not release that information to the requestor.

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 under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Loretta DeHay". The signature is written in a cursive, flowing style.

Loretta R. DeHay  
Assistant Attorney General  
Open Records Division

LRD/rho

Ref.: ID# 100526

Enclosures: Submitted documents

cc: Ms. Judith Kendrick  
4600 J.C. Nichols, Apt. 215  
Kansas City, Missouri 64112  
(w/o enclosures)