



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 23, 1997

Captain Robert Taylor  
City of Amarillo  
Police Department  
200 S.E. 3rd Avenue  
Amarillo, Texas 79101-1514

OR97-1687

Dear Captain Taylor:

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# 108171.

The Amarillo Police Department (the "department") received an open records request for a particular offense report. You contend the requested report is excepted from required public disclosure pursuant to section 552.108 of the Government Code.<sup>1</sup> Because we resolve your request on other grounds, we need not address the applicability of section 552.108 in this particular instance.

The records at issue pertain to the department's investigation of an alleged sexual assault of a child. Section 261.201(a) of the Family Code provides:

The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

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<sup>1</sup>You also suggest that, in light of *Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996), the requested information may be excepted from required public disclosure pursuant to section 552.101 of the Government Code. Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Please note, however, the supreme court did not make any information "confidential" in holding that certain law-enforcement records come within the section 552.108 exception: it merely authorized, but did not *require*, the withholding of those records under that exception.

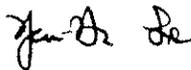
(1) a report of alleged or suspected abuse or neglect [of a child] made under this chapter and the identity of the person making the report; and

(2) except as otherwise provided in this section, *the files, reports, records, communications, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.* [Emphasis added.]

You have not informed this office of any rules the department has adopted that would permit access to the requested records. Because the information at issue pertains to an investigation of sexual assault of a child, this office concludes that the department must withhold the requested records in their entirety pursuant to section 261.201 of the Family 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.

Yours very truly,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/RWP/rho

Ref.: ID# 108171

Enclosures: Submitted documents

cc: Mr. Doug Stockstill  
3204 S. Dallas  
Amarillo, Texas 79103  
(w/o enclosures)