



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 29, 1997

Ms. Roxann Pais
Assistant City Attorney
Office of the City Attorney
Municipal Building
Dallas, Texas 75201

OR97-2395

Dear Mr. Russell:

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# 109753.

The Dallas Police Department (the "department") received a request for a report by a Dallas Police Detective relating to an alleged abduction and sexual assault on or about October 11, 1990, and an incident report concerning an abandoned bicycle reported that same day. You assert that the information is excepted from disclosure pursuant to section 552.108 of the Government Code. We have considered your arguments and have reviewed the information submitted.¹

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:

(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

¹In reaching our conclusion here, we assume that the "representative samples" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

(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.]

Because the requested documents relate to an allegation of child abuse, the documents are within the scope of section 261.201 of the Family Code. 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 552.101, in conjunction with section 261.201 of the Family Code. See Open Records Decision No. 440 (1986) (applying former Fam. Code § 34.08). As we resolve this matter under section 552.101, we need not address the applicability of section 552.108.

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,



Michael A. Pearle
Assistant Attorney General
Open Records Division

MAP/ch

Ref.: ID# 109753

Enclosures: Submitted documents

cc: Ms. Lorene L. Crow
217 Melody Lane
Terrell, Texas 75160
(w/o enclosures)