



September 10, 1999

Lieutenant Arturo Valdez  
Center Record Division  
City of McAllen Police Department  
1501 Pecan Boulevard  
McAllen, Texas 78501

OR99-2526

Dear Lieutenant Valdez:

The McAllen Police Department (the "Department") asks whether certain information is subject to public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 128465.

The Department received a request for a copy of offense report number 98-020165. You assert that the requested information is excepted from public disclosure under section 51.14(d) of the Family Code. We have reviewed your claim and considered the documents you submitted.

We have determined that the person who committed the offense reported in offense report number 98-020165 is an adult and not a juvenile. Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 552.101 encompasses confidentiality provisions in the Family Code. Sections 51.14(d) and 58.007 of the Family Code make confidential juvenile law enforcement records relating to delinquent conduct or conduct indicating a need for supervision. Offense report number 96-04589 does not involve records of a juvenile engaging in delinquent conduct or conduct indicating a need for supervision. Therefore, neither section 51.14(d) nor 58.007 apply to offense report number 96-04589. The offense report number 98-020165 cannot be withheld from public disclosure. It must be released.

We are resolving this matter with this 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 may 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 "Rose-Michel Munguía". The signature is fluid and cursive, with a large initial "R" and "M".

Rose-Michel Munguía  
Assistant Attorney General  
Open Records Division

RMM/ch

Ref: ID# 128465

Encl: Submitted documents

cc: Mrs. Xochitl Aviles  
1008 S. Huisache  
Pharr, Texas 78577

w/o enclosures