



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

June 14, 2010

Ms. Yvette Aguilar  
Assistant City Attorney  
City of Corpus Christi  
361 John Sartain  
Corpus Christi, Texas 78401

OR2010-08631

Dear Ms. Aguilar:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 382529.

The Corpus Christi Police Department (the "department") received a request for a specified police report. You claim that the requested information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses information protected by other statutes, such as section 261.201 of the Family Code, which provides, in part:

(a) Except as provided by Section 261.203, the following information is confidential, is not subject to public release under [the Act], 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 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, audiotapes, videotapes, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.

Fam. Code § 261.201(a). You claim that the submitted report is excepted from disclosure under section 261.201(a). Upon review of your arguments and the information at issue, we find that the department has failed to demonstrate how this information was used or developed in an investigation under chapter 261 of the Family Code. *See id.* § 261.001(4)(A) (definition of “neglect” for purposes of chapter 261 of the Family Code does not include abandoning child with intent to return). Therefore, we determine that section 261.201 is not applicable to the submitted report. Accordingly, the department may not withhold any portion of this report under section 552.101 of the Government Code in conjunction with section 261.201(a) of the Family Code.

Next, you claim that the marked portions of the submitted report are excepted under section 552.108(a)(2) of the Government Code. Section 552.108(a)(2) excepts from disclosure information concerning an investigation that did not result in conviction or deferred adjudication. *See Gov’t Code* § 552.108(a)(2). A governmental body claiming section 552.108(a)(2) must demonstrate that the requested information relates to a criminal investigation that has concluded in a final result other than a conviction or deferred adjudication. *See id.* § 552.301(e)(1)(A) (governmental body must provide comments explaining why exceptions raised should apply to information requested). You state that the information you have marked pertains to a criminal investigation by the department that has been concluded and that did not result in conviction or deferred adjudication. Based on your representation and our review, we find that section 552.108(a)(2) is applicable to the information you have marked in the submitted report number. Thus, the department may withhold the information you have marked in the submitted report under section 552.108(a)(2) of the Government Code.

In summary, the department may withhold the information you have marked under section 552.108 of the Government Code. The remaining information must be released.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public

information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in black ink, appearing to read "Tamara Wilcox". The signature is fluid and cursive, with the first name "Tamara" written in a larger, more prominent script than the last name "Wilcox".

Tamara Wilcox  
Assistant Attorney General  
Open Records Division

TW/dls

Ref: ID# 382529

Enc. Submitted documents

c: Requestor  
(w/o enclosures)