



DAN MORALES  
ATTORNEY GENERAL

Office of the Attorney General  
State of Texas

February 12, 1991

Mr. R. S. Forest  
Bandera County, Sheriff  
P. O. Box 607  
Bandera, Texas 78003

OR91-085

Dear Sheriff Forest:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 11,111.

You have received two requests for records connected with a case involving a juvenile offender: a copy of the "initial" police report of the incident, and the Bandera County Sheriff Department's investigation report concerning the incident. We have considered the exception you claimed, 3(a)(1) specifically, and have reviewed the documents at issue. Section 51.14(d) of the Texas Family Code provides in part:

Except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the law enforcement files and records [concerning a child] are not open to public inspection nor may their contents be disclosed to the public.

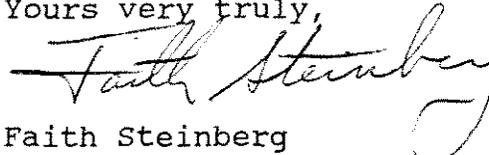
To our knowledge, the child involved in this case has not been transferred to a criminal court, and our decision hinges on our assumption that he or she has not; accordingly, section 51.14 prohibits disclosure of the files and records concerning this case. We do not read the code provision to pertain only to those portions of the law enforcement files tending to identify the juvenile offender. But cf., Attorney General Opinions H-615, H-529 (1975), holding that release of information concerning juvenile offenders does not violate section 51.14(d) when the information consists of general statistical data unrelatable to specific individuals. Here, the requestors seek information related to a specific incident involving a

specific juvenile offender. Although, as one requestor points out, the first page of offense reports is normally open to the public, the Family Code confidentiality provision controls in the case of juvenile offenders. See Open Records Decision No. 181 (1977), a copy of which is enclosed. Therefore, the material requested is excepted from disclosure under the Open Records Act by section 3(a)(1), protecting information deemed confidential by law.

You also ask whether your present system of keeping files relating to juvenile actors in a separate "confidential" file is satisfactory. This practice is not only satisfactory, but mandated under Texas Family Code Section 51.14(c). See Attorney General Opinion H-1034 (1977).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-085.

Yours very truly,



Faith Steinberg  
Assistant Attorney General  
Opinion Committee

FS/lcd

Ref.: ID# 11,111

Enclosure: Open Records Decision No. 181; Attorney General  
Opinions H-615, H-1034.

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