



Office of the Attorney General
State of Texas

August 17, 1992

DAN MORALES
ATTORNEY GENERAL

Ms. Annette Jones
Police Legal Advisor
City of Waco
P. O. Box 2570
Waco, Texas 76702-2570

OR92-495

Dear Ms. Jones:

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# 16889.

Waco Police Department (the "department") has received a request for information relating to the arrest of certain juvenile offenders for auto theft. Specifically, the requestor, whose car was stolen, seeks the police narrative reports of the incident and the names of the parents of the juvenile offenders. You claim that the requested information is excepted from required public disclosure by sections 3(a)(1), 3(a)(3), and 3(a)(8) of the Open Records Act.

Section 3(a)(1) of the Open Records Act excepts from required public disclosure "information deemed confidential by law, either Constitutional, statutory, or by judicial decision." Subsection (d) of Section 51.14 of the Family Code relates to the law enforcement files and records of juveniles. Subsection (d) states:

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 are not open to public inspection nor may their contents be disclosed to the public

Open Records Decision No. 181 (1977) at 3 held that information contained in law enforcement records that would identify or tend to identify juvenile offenders may be withheld from required public disclosure. The files and records of juvenile offenders and any information that identifies or would tend to identify juvenile

offenders is made confidential by law and may not be released. *See also* Open Records Decision No. 394 (1983). Accordingly, the names of the parents of the juvenile offenders and any other information in the police narrative reports which would tend to identify the juvenile offenders must be withheld from required public disclosure under section 3(a)(1) of the Open Records Act.

With respect to the remaining information, we consider section 3(a)(8), the "law enforcement" exception. Where an incident involving allegedly criminal activity is still under active investigation or prosecution, section 3(a)(8) may be invoked by any proper custodian of information which relates to the incident. Open Records Decision No. 474 (1987) at 4-5. You advise us that prosecution against two of the three offenders is still pending. Release of the police narrative reports would interfere with the pending prosecution. Accordingly, the police narrative reports may be withheld under section 3(a)(8) of the Open Records Act. As we resolve this matter under sections 3(a)(1) and 3(a)(8), we need not address the applicability of section 3(a)(3) at this time.

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 OR92-495.

Yours very truly,



Steve Aragon
Assistant Attorney General
Opinion Committee

SA/GCK/lmm

Ref.: ID# 16889

cc: Mr. Kent Boughton
3123 Lasker
Waco, Texas 76707