



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 26, 1995

Mr. Robert Rose
Assistant City Attorney
City of Austin
P.O. Box 1088
Austin, Texas 78767-1088

OR95-489

Dear Mr. Rose:

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# 32121.

The Austin Police Department (the "department") received an open records request for a copy of three specific offense reports, each of which involve one or more juveniles who were either suspected of delinquent behavior or taken into custody. You contend the requested documents come under the protection of section 552.101 of the Government Code.

We agree. Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, *statutory*, or by judicial decision." (Emphasis added.) Section 51.14(d) of the Family Code provides in pertinent part:

(d) Except as provided by Article 15.27, Code of Criminal Procedure, and 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, but inspection of the files and records is permitted by:

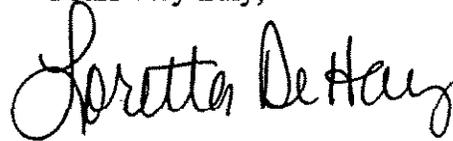
(1) a juvenile court having the child before it in any proceeding;

- (2) an attorney for a party to the proceeding;¹ and
- (3) law-enforcement officers when necessary for the discharge of their official duties. [Footnote added.]

Section 51.14(d) lists the persons or entities who may gain access to juvenile records; this section does not grant the law-enforcement officials controlling these documents discretion as to who else may see them. This is in contrast to other subsections in section 51.14 which allow "with leave of the juvenile court" inspection of other juvenile records by any person "with a legitimate interest." See Fam. Code § 51.14(a)(4), (b)(4). Although the Attorney General has held that provisions of section 51.14(d) are not violated by the release of general statistical law-enforcement data which provides no real opportunity for identification of the juvenile, see Attorney General Opinion H-529 (1975), law-enforcement agencies must withhold detailed reports pertaining to specific juveniles. Open Records Decision No. 181 (1977). Accordingly, the department must withhold the arrest report pursuant to Family Code section 51.14(d).²

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 under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Government Section

LRD/RWP/rho

¹Although the requestor is a legal assistant with the Legal Aid Society of Central Texas, she does not claim to be requesting the information at issue on behalf of "an attorney for a party to the proceeding" nor does any information you have submitted to this office suggest that such is the case. For purposes of this ruling, we are treating the open records request as one from a member of the general public.

²The Seventy-fourth Legislature, in House Bill 327, has significantly amended portions of the Family Code governing access to juvenile records, including the repeal of section 51.14 and its substantial revision in chapter 58 of the Family Code, effective January 1, 1996. See Acts 1995, 74th Leg., ch. 262, §§ 53, 100, 105. We do not address in this ruling the extent to which these recent amendments to the Family Code will affect requests for this information that are made on or after January 1, 1996.

Ref.: ID# 32121

Enclosures: Submitted documents

cc: Ms. Linda Paulson
Legal Aid Society of Central Texas
205 West 9th Street, Suite 200
Austin, Texas 78701
(w/o enclosures)