



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 28, 1995

Ms. Betsey Elam
Fielding, Barrett & Taylor
3400 Bank One Tower
500 Throckmorton Street
Fort Worth, Texas 76102-3821

OR95-1015

Dear Ms. Elam:

You have asked 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# 35283.

The City of Kennedale (the "city") received a request for a 9-1-1 tape. Your letter to this office states the city "considers the 9-1-1 tape to be part of the law enforcement files and records relating to a juvenile" and therefore confidential under section 51.14(d) of the Family Code. Section 51.14(d) provides a statutory basis of confidentiality for information about juvenile offenders:

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 [concerning a child] 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; and

(3) law-enforcement officers when necessary for the discharge of their official duties.

“Child,” for purposes of section 51.14, is defined at section 51.02 of the Family Code. Section 51.02 provides in pertinent part:

(1) “Child” means a person who is:

(A) ten years of age or older and under 17 years of age; or

(B) seventeen years of age or older and under 18 years of age who is alleged or found to have engaged in delinquent conduct or conduct indicating a need for supervision as a result of acts committed before becoming 17 years of age.

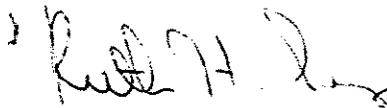
Section 51.14(d) requires that information in police records concerning juvenile offenders be treated differently than other law enforcement information so as to protect the identity of juvenile offenders.¹ Open Records Decision No. 394 (1983) at 3. Records that identify juvenile offenders are excepted from disclosure to the public. Open Records Decision No. 216 (1978) at 5. In Open Records Decision No. 394 (1983) at 3, this office also stated that when information about juvenile offenders is contained in police records that contain information about both adult and juvenile offenders, the names of the juveniles and any other identifying information about the juveniles must be withheld from disclosure. *See also* Open Records Decision No. 628 (1994) at 6 (Fam. Code § 51.14 relates only to juvenile offenders and thus has no bearing on release of information relating to identity of juvenile crime *victims*).

Your letter states that the 9-1-1 tape was made at a time when only juveniles were present, but does not describe the type of information on the tape. Despite several requests from this office for you to submit the tape, you have not done so. Under these circumstances, we are unable to make a determination as to the applicability of section 51.14(d). However, we note that you may not release information made confidential under section 51.14(d). *See* Gov't Code § 552.353. Of course, if the juvenile is transferred under Section 54.02 to a criminal court for prosecution or the information is otherwise not confidential under section 51.14(d), the information at issue must be disclosed.

¹Section 51.14 of the Family Code was repealed by the Seventy-fourth Legislature, effective January 1, 1996. This ruling does not address how that will effect requests for this type of information that are made on or after January 1, 1996.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/rho

Ref.: ID# 35283

cc: Mr. Robert Tharp
Reporter
Fort Worth Star-Telegram
400 West 7th Street, 2nd Floor
Fort Worth, Texas 76102

Mr. Stephen E. Fox
Jenkins & Gilchrist
Fountain Place
1445 Ross Avenue, Suite 3200
Dallas, Texas 75202

Ms. Christine Riser
Fort Worth Bureau Chief, KDFW-TV
Star Telegram Building
400 W. 6th Street, 2nd Floor
Ft. Worth, Texas 76102