



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 3, 1995

Mr. James Showen
Senior Assistant City Attorney
City of Tyler
P.O. Box 2039
Tyler, Texas 75710

OR95-1176

Dear Mr. Showen:

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# 34852.

The City of Tyler (the "city") received a request for a police offense report that identifies a juvenile offender. You contend that the report is protected from disclosure under section 552.101 of the Government Code in conjunction with section 51.14(d) of the Family Code. Section 552.101 exempts from disclosure information "considered confidential by law, either constitutional, statutory, or by judicial decision." 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.

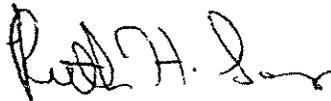
"Child," for purposes of section 51.14, is defined at section 51.02 of the Family Code. Section 51.02 provides in pertinent part:

- (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 concern juvenile offenders or that identify them are excepted from disclosure to the public. Open Records Decision No. 216 (1978) at 5. The city, therefore, must not release the requested police report. *See* Gov't Code § 552.352.

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,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/rho

Ref.: ID# 34732

Enclosures: Submitted documents

cc: Mr. H.C. Bauman
Brown and Lottmann, P.C.
3805 Old Bullard Raod
Tyler, Texas 75701
(w/o enclosures)

¹We note that section 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 affect requests for this type of information that are made on or after January 1, 1996.