



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 5, 1998

Captain Robert Taylor
Amarillo Police Department
City of Amarillo
200 S.E. Third Ave.
Amarillo, Texas 79101-1514

OR98-0602

Dear Captain Taylor:

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# 113295.

The Amarillo Police Department (the "department") received an open records request for incident report #97-48753. You contend the requested information is excepted from required public disclosure pursuant to section 552.108 of the Government Code. We have considered your argument and reviewed the submitted information.

Initially, we note that the records at issue implicate juvenile suspects. Prior to its repeal by the 74th Legislature, section 51.14(d) of the Family Code provided for the confidentiality of juvenile law enforcement records, and law-enforcement records pertaining to conduct occurring before January 1, 1996, are governed by former section 51.14(d), which was continued in effect for that purpose. This office has concluded, however, that section 58.007 of the Family Code, as enacted by the 74th Legislature, did not extend confidentiality to juvenile law enforcement records relating to conduct that occurred on or after January 1, 1996. Open Records Decision No. 644 (1996). Although the 75th Legislature amended section 58.007 to once again make juvenile law-enforcement records confidential, effective September 1, 1997, it chose not to make this most recent amendment retroactive in application. Consequently, law-enforcement records pertaining to juvenile conduct that occurred between January 1, 1996 and August 31, 1997, are not subject to the confidentiality provisions of either section 51.14(d) or section 58.007 of the Family Code. Thus, we will consider your 552.108 argument regarding the records.

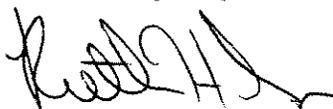
As this conduct occurred in May of 1997, Section 552.108 of the Government Code, the "law enforcement exception," provides in relevant part as follows:

(a) [i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of 552.021 if: (1) release of the information would interfere with the detection, investigation or prosecution of crime; [or] (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication. . . .

You state that the requested information relates to a pending prosecution against one of the juveniles involved in the case. As the requested information relates to pending criminal prosecution, we find that release of the requested information would interfere with the detection, investigation, or prosecution of crime. However, we note that "basic information about an arrested person, an arrest, or a crime" is not excepted from required public disclosure. Gov't Code § 552.108(c). Basic information is the type of information that is considered to be front page offense report information even if this information is not actually located on the front page of the offense report. *See generally Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Therefore we conclude that, except for the front page information, the department may withhold the requested information from disclosure under section 552.108(a)(1). Although section 552.108 authorizes you to withhold the remaining requested information from disclosure, you may choose to release all or part of the information at issue that is not otherwise confidential by law. *See* Gov't Code § 552.007.

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 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/SAB/ch

Ref.: ID# 113295

Enclosures: Submitted documents

cc: Mr. Kenny King
1550 Bell #143
Amarillo, Texas 79106
(w/o enclosures)