



January 6, 2000

Ms. Denise Nance Pierce  
Attorney at Law  
1700 Frost Bank Plaza  
516 Congress Avenue  
Austin, Texas 78701-2443

OR2000-0058

Dear Ms. Pierce:

You ask this office to clarify our ruling in Open Records Letter No. 99-3027 (1999). Your request for clarification was assigned ID# 131010.

The Austin Independent School District (the "district"), which you represent, received a request for seventeen categories of information related to a police officer formerly employed by the district. You claimed that a portion of the requested information is excepted from disclosure under sections 552.101, 552.102, 552.108, and 552.117 of the Government Code. You seek clarification regarding the markings affixed to the submitted materials and what information the district is required to release.

Your request references the following language of Open Records Letter No. 99-3027

We conclude that the submitted information must be withheld under section 552.101 of the Government Code in conjunction with former section 51.14(d) of the Family Code as follows: the documents identified as "McCallum High School Investigation" and "McKie Cove Investigation" in their entirety; that portion of the document identified as "Reagan High Investigation," excluding the materials identified as "Internal Affairs Investigation/ Sgt. Robert Hall, dated 10/24/95"; the information identifying juvenile offenders in the documents identified as "Internal Affairs Investigation/Sgt. Robert Hall, dated 10/24/95; the materials identified as "Administrative Building Investigation," excluding the materials identified as "IA investigation Sgt. Hall" dated 9/22/95; the information identifying juvenile offenders in

the documents identified "IA investigation Sgt. Hall" dated 9/22/95; the information identifying juvenile offenders in the "Voluntary Statement" of exhibit 8; the contact history in exhibit 9, in its entirety. We have marked the subject information to indicate what must be withheld under section 552.101 in conjunction with section 51.14(d) of the Family Code.

The submitted materials include (1) Internal Affairs Investigation/Sgt. Robert Hall dated 10/24/95, (2) IA investigation Sgt. Hall dated September 25, 1995 and (3) Voluntary Statement. These documents were apparently produced by the district in the course of investigating the subject police officer. You have identified these materials as exhibit 1 in your request for clarification. In accordance with Open Records Number 99-3207 (1999), the district is instructed to redact information that identifies juvenile offenders from these documents and to release the remaining information.

As originally submitted by you, the internal investigation documents now submitted as exhibit 1 were placed with other documents which were assumed by this office to be integral with the internal investigation reports. In your request for consideration you have identified these formerly associated documents as exhibit 2. In telephone communication with this office, you relate that the assumption that these materials were part of internal investigation reports is in error. Based on your representations, we conclude that the materials identified as exhibit 2 in your request for clarification, are law enforcement records pertaining to juvenile conduct occurring before January 1, 1996, rather than internal affairs investigation reports. As such, they are governed by former section 51.14(d) of the Family Code and must be withheld in their entirety under section 552.101 of the Government Code.

You relate that Open Records Letter No. 99-3027 failed to address certain documents returned to you as marked with instructions to withhold. You identify these items as exhibit 3 in your request for clarification. The documents in exhibit 3 consist of the "contact history in exhibit 9" referenced in the quoted language above, and arrest reports concerning juvenile conduct that occurred in 1995. Open Records Letter No. 99-3027 includes the following language:

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Law enforcement records pertaining to juvenile criminal conduct occurring before January 1, 1996 are made confidential by the former section 51.14(d) of the Family Code, which was continued in effect for that purpose. Act of May 27, 1995, 74th Leg., R.S., ch. 262, § 100, 1995 Tex. Gen. Laws 2517, 2591 (Vernon).

The documents in exhibit 3 are law enforcement records that pertain to juvenile conduct occurring before January 1, 1996 and must be withheld in their entirety under section 552.101 of the Government Code in conjunction with former section 51.14(d) of the Family Code.

Open Records Letter No. 99-3027 is overruled to the degree that the language or markings therein conflict with this response to your request for clarification. If you have any questions regarding this ruling, please contact our office.

Sincerely,



Michael Jay Burns  
Assistant Attorney General  
Open Records Division

MJB/nc

Ref: ID# 128369; 131010

Encl. Submitted documents

cc: Mr. George L. Griffith  
120 East Abram Street  
Arlington, Texas 76010  
(w/o enclosures)