



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 13, 1995

Ms. Detra Hill
Assistant City Attorney
Supervisor, Criminal and Police Department
City of Dallas
City Hall
Dallas, Texas 75201

OR95-1219

Dear Ms. Hill:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. We assigned your request ID# 30030.

The City of Dallas (the "city"), through its police department, has received a request for information regarding a certain homicide. Specifically, the requestor seeks all information in the police department's possession regarding the murder of her daughter. You have submitted the requested information to us for review and claim that section 552.108 of the Government Code exempts it from required public disclosure.

We conclude that the city must withhold the requested information under section 552.101 of the Government Code, which exempts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision," in conjunction with section 51.14(d) of the Family Code. Section 51.14(d) of the Family Code provides, in pertinent part:

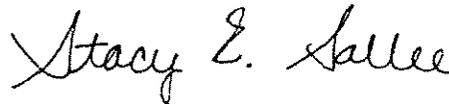
Except as provided by Article 15.27, Code of Criminal Procedure, and except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the law-enforcement files and records [concerning a child] are not open to public inspection nor may their contents be disclosed to the public

See also Open Records Decision No. 181 (1977) at 2 (holding that police reports which identify juveniles or furnish a basis for their identification are excepted by section 51.14(d)).¹

We have examined the information submitted to us for review. It appears that the records do not involve a charge for which the juvenile was transferred under section 54.02 of the Family Code. Additionally, none of the exceptions to section 51.14(d) apply here. We conclude that the information that the city wishes to withhold identifies a juvenile or furnishes a basis for a juvenile's identification and must therefore be withheld from required public disclosure under section 552.101 of the Government Code in conjunction with section 51.14(d) of the Family Code. As we resolve this matter under section 552.101, we need not address the applicability of section 552.108 at this time.

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,



Stacy E. Sallee
Assistant Attorney General
Open Records Division

SES/rho

Ref.: ID# 30030

Enclosures: Submitted documents

cc: Ms. Marbie Farmer
1515 White Oak
Garland, Texas 75040
(w/o enclosures)

¹We note that in the recent legislative session, the 74th Legislature repealed section 51.14 of the Family Code, effective January 1, 1996. Act of May 27, 1995, 74th Leg., R.S., ch. 262, §§ 100, 105, 106, 1995 Tex. Sess. Law Serv. 2517, 2590-91 (Vernon). We do not address in this ruling the effect of the legislature's action on requests made after January 1, 1996.