



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 20, 1995

Ms. Tracy B. Calabrese
Assistant City Attorney
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR95-1527

Dear Ms. Calabrese:

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# 31105.

The City of Houston (the "city") received a request for "all incident reports, supervisor's reports, and internal investigations" and the personnel files of the police officers involved connected with an incident in which a juvenile was injured. The juvenile apparently sustained a broken jaw while in police custody and was issued a citation for a curfew violation. You indicate that you will release some of the requested information. You claim, however that the information submitted for our review, a police offense report, is excepted from disclosure pursuant to sections 552.101 and 552.103(a) of the Government Code.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." You contend that section 552.101, in conjunction with section 51.14(d) of the Family Code, makes the report at issue confidential by law. Section 51.14(d)¹ provides:

¹The Seventy-fourth Legislature, in House Bill 327, has significantly amended portions of the Family Code governing access to juvenile records, including the repeal of section 51.14 and its substantial revision in chapter 58 of the Family Code, effective January 1, 1996. See Act of May 27, 1995, ch. 262, §§ 53, 100, 105, 1995 Tex. Sess. Law Serv. 5127 (Vernon). We do not address in this ruling the extent to which these recent amendments to the Family Code will affect requests for this type of information that are made on or after January 1, 1996.

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

It appears from the information provided this office that the requestor is an attorney for one of the juveniles named in the report. Pursuant to section 51.14(d), you must therefore release to the requestor any information regarding his client.² All information regarding the other two juveniles must be withheld.

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,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/ch

Ref.: ID# 31105

Enclosures: submitted records

²Since access to the report at issue is governed by section 51.14 of the Family Code, we do not need to address your section 552.103(a) argument.

cc: Mr. L. Cullen Moore
Werner, Werner & Moore
3636 San Jacinto
Houston, Texas 77004-3999
(w/o enclosures)