



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 11, 1996

Ms. Karen Hendershot Bailey
Assistant City Attorney
Legal Department
City of Victoria
P.O. Box 1758
Victoria, Texas 77902-1758

OR96-0019

Dear Ms. Bailey:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 35244.

The City of Victoria (the "city") has received a request for certain police reports involving a juvenile. You have submitted the requested police reports to us for review and claim that sections 552.101 and 552.108 of the Government Code except the reports from required public disclosure.

Section 552.101 of the act excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." You assert section 552.101 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 basis for their identification are excepted by Fam. Code § 51.14(d)).

We have examined the information submitted to us for review. We conclude that it identifies juveniles or furnishes a basis for a juvenile's identification. Moreover, none of the exceptions to the confidentiality provision set forth in section 51.14(d) apply in this instance. Accordingly, you must withhold the police reports in their entirety under section 552.101 of the Government Code in conjunction with section 51.14(d) of the Family Code.¹

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 may not be relied upon as a previous determination under section 552.301 regarding any other records.² 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

Enclosures: Submitted documents

Ref.: ID# 35244

cc: Mr. Raul Villalobos, Sr.
P.O. Box 673
Telferner, Texas 77988
(w/o enclosures)

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.

²Because we conclude that you must withhold the requested records under section 52.14(d) of the Family Code, we do not address your arguments under section 552.108 of the Government Code.