



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 28, 1997

Ms. Detra Hill
Assistant City Attorney
Supervisor, Criminal and Police Division
City of Dallas
501 Police & Courts Building
Dallas, Texas 75201

OR97-0457

Dear Ms. Hill:

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# 29456.

The Dallas Police Department (the "department"), which you represent, received a request for the department's juvenile crime policy and for the records of an alleged juvenile offender. The requestor is the father of the individual. You claim that the requested information is excepted from disclosure by section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the submitted records.

Before considering your claimed exception under section 552.108, we note that the requested information concerning the juvenile offender records is made confidential by section 552.101 of the Government Code in conjunction with former section 51.14(d) of the Family Code. Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision. Section 51.14(d) of the Family Code was repealed by the Seventy-fourth Legislature.¹ The Seventy-fourth Legislature replaced the provisions concerning juvenile criminal records with section 58.007 of the Family Code. However, conduct that occurred prior to January 1, 1996, is governed by the law in effect at the time the conduct occurred, and that law is continued in effect for that purpose. *Id.* We note that the submitted offense reports involved a juvenile and occurred before January 1, 1996. Therefore, we must determine if section 51.14(d) of the

¹Act of May 27, 1995, 74th Leg., R.S., 1995 Tex. Gen. Laws 2517, 2590.

Family Code excepts those reports from required public disclosure. Open Records Decision No. 645 (1996) at 9 (law in effect at time of conduct governs). Section 51.14(d) 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, 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; and
- (3) law-enforcement officers when necessary for the discharge of their official duties.

It appears that these records do not involve a charge for which the juvenile was transferred under section 54.02 of the Family Code. It is not apparent that any of the provisions allowing inspection of the records apply to the requestor. Additionally, none of the exceptions to section 51.14(d) apply here. We conclude that the department must withhold the requested juvenile offender records under section 51.14(d) of the Family Code.

We now address your claim under Section 552.108 of the Government Code. Section 552.108 excepts from disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime,” and “[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution.” Gov’t Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). Because the department’s “juvenile crime policy” records come within the purview of section 552.108, we conclude that you may withhold this information under this section.

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,



Vickie Prehoditch
Assistant Attorney General
Open Records Division

VDP/rho

Ref.: ID# 29456

Enclosures: Submitted documents

cc: Mr. Fahim Minkah
Chairman
National Black United Front
Dallas Chapter
3020 Prince Hall Square
Dallas, Texas 75216
(w/o enclosures)