

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 10-006

RESPONDENT: Iowa Park Police Department

DATE: April 20, 2010

SPECIAL COMMITTEE: Judge Stephen B. Ables, Chairman; Judge John Ovard, Judge Olen Underwood, Judge David Peeples, Judge Dean Rucker

Petitioner is an individual who requested from the Iowa Park Police Department (Respondent) copies of the audio and video tapes of his arrest and questioning by Respondent. Respondent denied Petitioner's request citing Section 552.108(a)(2) of the Texas Government Code, a provision of the Public Information Act, as authority for withholding the information. Respondent also informed Petitioner of his right to appeal under Rule 12.9 of the Rules of Judicial Administration, and Petitioner appealed.

In its response to the appeal, Respondent states that it is not a judicial body and that it mistakenly advised Petitioner that he could appeal Respondent's denial under Rule 12.9. Rule 12 governs requests to inspect or copy judicial records in the custody of a records custodian of a court, judicial officer, or judicial agency. *See* Rule 12 Decision 05-001. Respondent is not a court or judicial officer, so Rule 12 would apply to this matter only if it is a judicial agency. "Judicial agency" is defined by Rule 12.2(b) as an "office, board, commission or other similar entity that is in the Judicial Department and that serves an administrative function for a court." We agree with Respondent that a police department is not a judicial agency within the meaning of Rule 12. Accordingly, Rule 12 does not apply to this matter, and we can neither grant the petition in whole or in part nor sustain the denial of access to the requested records.