

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 22-018

RESPONDENT: Dallas County Community Supervision and Corrections Department

DATE: March 1, 2023

SPECIAL COMMITTEE: Judge Stephen B. Ables, Chair; Judge Dean Rucker; Judge Ana Estevez; Judge Sid Harle; Judge Susan Brown

Petitioner requested from Respondent a copy of Petitioner’s personnel file. Respondent produced a portion of Petitioner’s personnel file but redacted probationer names and information from the documents. Respondent also withheld from the production copies of probation officer caseload lists, probationer personal contact exception lists, check-in meeting schedules, and copies of Petitioner’s performance evaluations and application documents. Petitioner timely appealed the denial of records, stating that what was sought was the “complete[,] full[,] entire personnel file.” Following the special committee’s instruction in Rule 12 Decision No. 22-015, which involved a parallel request to Respondent by a different petitioner for personnel file records, Respondent released to Petitioner previously withheld performance evaluations and application information. Because these records were released to Petitioner, this decision only considers the unresolved balance of personnel file records — probation officer caseload lists, probationer personal contact exception lists, and check-in meeting schedules — withheld by Respondent.

In its reply to the petition, Respondent argues that the balance of withheld records in the personnel file are not judicial records subject to disclosure under Rule 12. A “judicial record” is one “made or maintained by or for a court or judicial agency in its regular course of business but not pertaining to its adjudicative function, regardless of whether that function relates to a specific case. A record of any nature created, produced, or filed in connection with any matter that is or has been before a court is not a judicial record.” Rule 12.2(d). Respondent’s reply succinctly describes the records withheld from Petitioner: caseload lists, Respondent explains, are records created by Respondent containing detailed probationer information such as case numbers, sentencing dates, supervision dates, reassessment dates, and supervision period termination; personal contact exception lists identify probationer home address and other contact information, risk description levels, and dates of contact by probation officers; and check-in meeting schedules track officer-probationer meetings to monitor probationer compliance and keep officers organized. Respondent reasons that these above-detailed records relate to records of specific probationers, which by extension relate to a judge’s adjudicative function and place them outside of Rule 12’s scope.

We have previously concluded that “records related to a probationer in a case file maintained by a probation officer who supervises probationers are records that are created, produced or filed in connection with criminal cases that have been before the court which placed the probationer under community supervision.” *See* Rule 12 Decision Nos. 16-016, 16-024; *see*

also Rule 12 Decision No. 00-003. And in Rule 12 Decision No. 22-015, which reviewed a parallel request to Respondent by a different petitioner for personnel file records, we observed that there is “no categorical difference between records related to a probationer kept in a case file maintained by a probation officer who supervises probationers from records kept in a probation officer’s personnel file detailing probationer behaviors and check-ins with the probation officer.” In reviewing the description of the records, we are of the opinion that the balance of the records withheld from Petitioner are similar to the personnel records that fell outside the scope of Rule 12 in Rule 12 Decision No. 22-015. There is no categorical difference between probation officer caseload lists, probationer personal contact exception lists, and check-in meeting schedule records from records relating to a probationer kept in a case file maintained by a probation officer. They are records created in connection with criminal cases that have been before a court which placed the probationer under community supervision and are therefore outside the scope of Rule 12. Accordingly, we are without authority to grant the petition or sustain the denial of access to the records sought.