



THE ATTORNEY GENERAL  
OF TEXAS

June 8, 1990

JIM MATTOX  
ATTORNEY GENERAL

Honorable Mike Driscoll  
County Attorney  
Harris County  
1001 Preston, Suite 634  
Houston, Texas 77002

OR90-207

Dear Mr. Driscoll:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 9030.

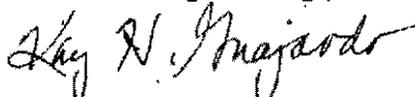
The Harris County Constable has received a request from a former deputy constable for his complete personnel file. Included in this file is a complaint about the deputy constable. You are releasing everything in the personnel file except portions of the complaint which contain the name of the complainant or other identifying information. To the release of this identifying information, you raise two exceptions in the Texas Open Records Act: 3(a)(1) "in order to protect the privacy interests of" the complainant, and 3(a)(8).

Generally, information in complaints about law enforcement officers, including the name of the complainant, are available to the public. See Open Records Decision Nos. 484 (1987), 350 (1982), 208 (1978). In certain situations, however, a law enforcement department may determine that the release of specific information about complaints against law enforcement officers "will unduly interfere with law enforcement and crime prevention." See Open Records Decision No. 350 (1982) citing Ex Parte Pruitt, 551 S.W.2d 706 (Tex. 1977). This office has found that the names of witnesses and the names of interviewees in an investigation of police misconduct could be withheld pursuant to section 3(a)(8) when it is determined that disclosure "might either subject the witnesses to possible intimidation or harassment, or harm the prospects of future cooperation between witnesses and law enforcement officers. See Open Records Decision Nos. 297 (1981), 329 (1982). The rationale of these decisions is applicable to the identity of a person

who lodges a complaint about a deputy constable. You have demonstrated that disclosure of the identity of the complainant could result in harassment and harm to future investigations. You may delete the name of the complainant and all identifying information within the complaint.

Having based our decision on section 3(a)(8) of the Open Records Act, we need not address your claims based on section 3(a)(1). Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have any questions about this ruling, please refer to OR90-207.

Yours very truly,



Kay H. Guajardo  
Assistant Attorney General  
Opinion Committee

KHG/le

Ref: ID# 9030

cc: Honorable Glen Cheek  
Harris County Constable  
Precinct 5  
6000 Chimney Rock  
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