



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 13, 1996

Mr. Dean Johnson  
Police Legal Advisor  
Beaumont Police Department  
P.O. Box 3827  
Beaumont, Texas 77704

OR96-1429

Dear Mr. Johnson:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 100659.

The City of Beaumont (the "city") received a request for the following information, from June 12, 1993 to the date of the request:

1. The statistical number of complaints filed against the Beaumont Police Department or officers of the department, through the Internal Affairs Division of the police department.
2. The names of plaintiffs and defendants involved in the complaints and the addresses of the plaintiffs.
3. The nature and resolution of the complaints.

You assert that much of the information requested is confidential pursuant to section 143.089(g) of the Local Government Code, in conjunction with section 552.101 of the Government Code. Section 552.101 provides that information considered confidential by law is excepted from disclosure.

It is our understanding that the city is subject to chapter 143 of the Local Government Code. Section 143.089(a)(2) of the Local Government Code mandates that documents relating to "any misconduct by the fire fighter or police officer" must be placed in a police officer's civil service file "if the letter, memorandum, or document is from the employing department and if the misconduct resulted in disciplinary action by

the employing department in accordance with this chapter.” You state that where complaints resulted in disciplinary action being taken against a police officer, documents were placed in the officers’ civil service files.

Information maintained in civil service files must be released unless some provision of the Open Records Act, chapter 552 of the Government Code, permits the civil service commission to withhold the information. Local Gov’t Code § 143.089(f); Gov’t Code §§ 552.006, .021; Open Records Decision No. 562 (1990) at 6 (construction of section 143.089(f) provision requiring release of information as required by law). We assume from your letter that records in the civil service files were provided to the requestor. Thus, the records at issue are those contained in the internal affairs file.

Section 143.089(g) of the Local Government Code allows for the maintenance of a separate departmental file in addition to the civil service file provided for in section 143.089(a)(2). This separate file is for the department’s own internal use:

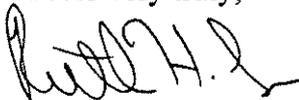
A fire or police department may maintain a personnel file on a fire fighter or police officer employed by the department for the department’s use, but the department may not release any information contained in the department file to any agency or person requesting information relating to a fire fighter or police officer. The department shall refer to the director or the director’s designee a person or agency that requests information that is maintained in the fire fighter’s or police officer’s personnel file.

*Id.*

You state that the records at issue are maintained in the police department internal file. We agree that the records maintained in a section 143.089(g) internal file are confidential and may not be released. *City of San Antonio v. Texas Attorney Gen.*, 851 S.W.2d 946 (Tex. App.--Austin 1993, writ denied); Open Records Decision No. 562 (1990) at 7. We note that a request for information that is maintained in the internal file must be referred to the civil service director or his designee. *Id.*

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,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/rho

Ref.: ID# 100659

Enclosures: Submitted documents

cc: Mr. Allen Lee  
5095 Maddox  
Beaumont, Texas 77005  
(w/o enclosures)