



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 29, 1997

Mr. Jaime L. Flores
City Attorney
City of Laredo
P.O. Box 579
Laredo, Texas 78042-0579

OR97-1960

Dear Mr. Flores:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 108235.

The City of Laredo (the "city") received a request for various information concerning the return of stolen vehicles from Mexico to the Laredo Police Department. You state that the city will make available to the requestor portions of the requested information. You assert that a report of the Internal Affairs Division of the Laredo Police Department is excepted from required public disclosure based on section 552.108(b) of the Government Code.¹

Section 552.108(b) of the Government Code excepts from disclosure "[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. The submitted information indicates that no criminal prosecution resulted from the investigation. Section 552.108 generally is not applicable to information pertaining to internal affairs investigations when no criminal investigation or prosecution results from the allegations of officer misconduct. *See Morales v. Ellen*, 840 S.W.2d 519 (Tex. App.--El Paso 1992, writ denied); Open Records Decision No. 350 (1982). From the information you submitted to

¹You do not suggest that the report at issue is part of a police officer's departmental personnel file. Chapter 143 of the Local Government Code provides for police officers' civil-service in cities that have voted to adopt the chapter. Section 143.089(g) of the Local Government Code makes confidential the records included in a police officer's personnel file maintained by a police department of a city that has adopted chapter 143. *City of San Antonio v. Texas Attorney General*, 851 S.W.2d 946, 949 (Tex. App.--Austin, 1993, writ denied); *see* Open Records Decision No. 650 (1996).

this office, it appears that no criminal investigation or prosecution resulted from the investigation. We therefore conclude that section 552.108 of the Government Code does not except the requested records from required public disclosure.

We are resolving this matter with this 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 may 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,



Kay Hastings
Assistant Attorney General
Open Records Division

KH/alg

Ref.: ID# 108235

Enclosures: Submitted documents

cc: Ms. Maria Eugenia Guerra
LareDOS
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Laredo, Texas 78040
(w/o enclosures)