



June 21, 1999

Ms. Tracy B. Calabrese
Senior Assistant City Attorney
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

OR99-1702

Dear Ms. Calabrese:

You ask whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 125036.

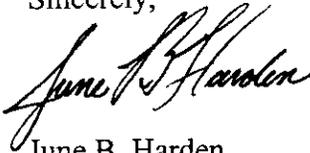
The City of Houston (the "city") received a request for a copy of the sworn complaint from specific investigative files. You state that you have released a copy of the sworn complaint from all but one of the listed files. You state that the sworn complaint for OIG #98-033 is excepted from disclosure under sections 552.101 and 552.108 of the Government Code. We have considered the exceptions you claim and have reviewed the document at issue.

Section 552.101 of the Government Code excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Chapter 143 of the Local Government Code sets forth civil service rules for municipal fire and police departments. Subchapter G of that chapter sets forth provisions applicable to municipalities with a population of 1.5 million or more, including the City of Houston. Section 143.1214(b) of the Local Government Code requires "the department" to withhold from disclosure "an investigatory document that relates to a disciplinary action against a . . . police officer that was overturned on appeal" and "any document in the possession of the department that relates to a charge of misconduct against a . . . police officer that the department did not sustain." You inform us that an internal affairs investigation into the matters alleged in the submitted document is still active. Therefore, as the alleged charges have not yet been sustained by the department, the city must withhold the submitted document from disclosure

under section 552.101 in conjunction with section 143.1214(b) of the Local Government Code.

Because we are able to make a determination under section 552.101, we do not address your other argument against disclosure. 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 on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "June B. Harden". The signature is written in a cursive style with a large initial "J".

June B. Harden
Assistant Attorney General
Open Records Division

JBH/ch

Ref: ID# 125036

Encl. Submitted documents

cc: Mr. Robert Jackson
750 N. Shirley
Alvin, Texas 77511
(w/o enclosures)