
What is the “g-file”?

August 4, 2022



The Civil Service Act Section 143 Tex. Loc. Gov't Code

- The City of Austin is a civil service city under Chapter 143 of the Texas Local Gov't Code (TLGC). This means that the personnel management system for its fire, police, and EMS departments are administered in accordance with the statutory provisions contained in Chapter 143 TLGC, and the rules and practices of the Civil Service Commission.
- As well as the respective M&C or CBA contracts



143.089 Personnel File

143.089 cont. – The “a”-file:

- (a) The director or the director's designee shall maintain a personnel file on each fire fighter and police officer. The personnel file must contain any letter, memorandum, or document relating to:
 - (1) a commendation, congratulation, or honor bestowed on the fire fighter or police officer by a member of the public or by the employing department for an action, duty, or activity that relates to the person's official duties;
 - (2) any misconduct by the fire fighter or police officer 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; and
 - (3) the periodic evaluation of the fire fighter or police officer by a supervisor.

143.089(g) – The “g”-file.

- (g) 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. Except as provided by Subsection (h), 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.
-

Not every law enforcement agency is civil service under Section 143 TLGC



- The “g” file is unique to 143 cities only
- There is no similar “g”-file provision in Sheriff’s Departments
- Other municipalities (big and small) that are not civil service also do not have a “g”-file – (i.e. Dallas)
- Personnel files are considered public information subject to the TPIA, and other state or federal law.

Under 143 TLGC

Scenario 1: Critical Incident

- Officer involved shooting
- Investigation conducted
- Chief finds no policy violation and no discipline is administered
- The entire IA investigation would remain confidential under current law



Under 143 TLGC

Scenario 2: Citizen Complaint

- Officer leaves duty weapon in vehicle
- There is also an excessive force complaint for handcuffing
- Investigation findings: gun in car is a violation of policy and Chief issues discipline; excessive force claim unfounded
- Incident with gun in car made public, but excessive force incident would remain confidential under current law

What is the City asking for and why?

- Transparency
 - lack of information creates confusion and frustration and can lead to unfair perception of the officer
- Responsive to Community Request
 - citizens should have mechanisms to review actions taken by police and comment to their leaders



- Paradigm Shift with the public; times are changing and have changed.

- Changes in last legislative session show two things:

 - desire to take care of our first responders (quarantine leave and mental health leave),

 - but also desire for transparency/reform (hiring changes to include access to g-file, required policies for use BWC, and restrictions and reporting requirements on uses of force).

- **APA has opportunity to take part, have a say in the inevitable changes occurring, and be a leader in embracing reform**



What removing the g-file will NOT do...

NOT eliminate due process

You asked us to take another look at Article 17, Section 4 and we agree that modifications are necessary to retain officers' rights

NOT disclose personal information

State and federal law still applies, and personal employee and family information would not be disclosed

NOT "tarnish" an officer's reputation

Counties and non-civil service law enforcement agencies do not have this concern;

Questions?

