



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

December 19, 1990

Mr. Jerry Gilmore
City Attorney
City of Cockrell Hill
1717 Main Street, Suite 4400
Dallas, Texas 75201

OR90-580

Dear Mr. Gilmore:

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# 11083.

The Cockrell Hill Police Department [the department] received an open records request from an attorney for records detailing any disciplinary actions taken or complaints made against a named police officer. You contend that section 3(a)(3) of the act protects the records at issue. You base your contention on the facts that the officer in question arrested the requestor's client for D.W.I. and that those criminal charges are pending.

In order for the department to withhold these documents pursuant to section 3(a)(3), this office must first receive notice from the attorney who is prosecuting the D.W.I. charge that the requested records relate to the pending litigation and that they should be released, if at all, only during criminal discovery. Unless this office receives such notice within ten days of your receipt of this letter, the department must release the requested documents in their entirety.

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

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published open records decision. If you have questions about this ruling, please refer to OR90-580.

Yours very truly,



Susan Garrison
Assistant Attorney General
Opinion Committee

SG/RWP/le

Ref.: ID# 11083

cc: Edward J. Fitzmaurice, Jr.
P.O. Box 560388
Dallas, Texas 75356-0388