



Office of the Attorney General  
State of Texas

March 30, 1992

DAN MORALES  
ATTORNEY GENERAL

Honorable Marianne Landers Banks  
City Attorney  
City of Georgetown  
P.O. Box 409  
Georgetown, Texas 78627-0409

OR92-130

Dear Ms. Banks:

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# 15141.

You have received a request for information relating to an internal affairs investigation of an employee of the City of Georgetown Police Department. Specifically, the requestor seeks:

Reports or files of internal affairs investigations involving complaints of harassment against Sgt. Ed Anderson, including, but not limited to, complainant statements, witness statements, memos, other affidavits [sic] in the file, names of investigating officers and the final disposition(s).

You seek to withhold the requested information under sections 3(a)(1), 3(a)(3), 3(a)(8) and 3(a)(11) of the Open Records Act.

Previous open records decisions issued by this office resolve your request. Section 3(a)(3) excepts

information relating to litigation of a criminal or civil nature and settlement negotiations, to which the state or political subdivision is, or may be, a party, or to which an officer or employee of the state or political subdivision, as a consequence of his office or employment, is or may be a party, that the attorney general or the respective attorneys of the various

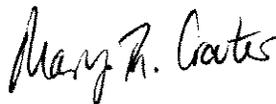
political subdivisions has determined should be withheld from public inspection.

Section 3(a)(3) applies only when litigation in a specific matter is pending or reasonably anticipated and only to information clearly relevant to that litigation. Open Records Decision No. 551 (1990). Whether litigation is reasonably anticipated must be determined on a case-by-case basis. Open Records Decision No. 452 (1986) at 4.

The department has received notice of another police officer's claim against the department for alleged sexual discrimination, intentional infliction of mental anguish, and violation of her civil rights made pursuant to article 5221k, V.T.C.S., Title VII of the Federal Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, and section 106.001 of the Civil Practice and Remedies Code. You have submitted the notice of claim for our review. On the basis of this notice of claim, we conclude that litigation may be reasonably anticipated. Having examined the documents submitted to us for review, we further conclude that the requested information relates to the anticipated litigation and may be withheld from required public disclosure under section 3(a)(3) of the Open Records Act. Please note that this ruling applies only until the litigation has been resolved and to the documents at issue here. As we resolve this matter under section 3(a)(3), we need not address the applicability of sections 3(a)(1), 3(a)(8), and 3(a)(11) at this time.

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 published open records decision. If you have questions about this ruling, please refer to OR92-130.

Yours very truly,



Mary R. Crouter  
Assistant Attorney General  
Opinion Committee

MRC/GK/nhb

Ref.: ID# 15141  
ID# 15156  
ID# 15295

cc: Mr. Zeke McCormack  
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