



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 18, 1993

Mr. Norbert J. Hart
Assistant City Attorney
City of Corpus Christi
P.O. Box 9277
Corpus Christi, Texas 78469-9277

OR93-258

Dear Mr. Hart:

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# 19303.

The City of Corpus Christi (the "city") has received a request for information relating to incidents of police misconduct. Specifically, the requestor seeks "all complaints of all police, staff misconduct in Corpus Christi." You have submitted to us for review representative samples of the requested information. You advise us that the requested information is maintained in police departmental files (Exhibit B) and in the city's personnel records (Exhibit C). You claim that the requested information is excepted from required public disclosure by sections 3(a)(1), 3(a)(2), 3(a)(3), and 3(a)(8) of the Open Records Act.

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

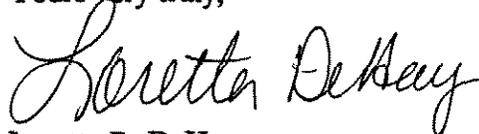
information relating to litigation of a criminal or civil nature and settlement negotiations, to which the state or political subdivision is, or may be, a party, or to which an officer or employee of the state or political subdivision, as a consequence of his office or employment, is or may be a party, 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 requestor has written a letter to the United States District Court in Corpus Christi, informing it of her intention to bring suit against the city on a number of grounds. On the basis of this letter, we conclude that litigation may be reasonably anticipated. We also accept your determination that the requested information relates to the anticipated litigation. Accordingly, the requested information may be withheld from required public disclosure under section 3(a)(3) of the Open Records Act. As we resolve this matter under section 3(a)(3), we need not address the other claimed exceptions 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 contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Opinion Committee

LRD/GCK/lmm

Ref.: ID# 19303
ID# 19325

cc: Ms. Hermelinda Peña Reyna
P.O. Box 813
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