



Office of the Attorney General

State of Texas

August 12, 1992

DAN MORALES
ATTORNEY GENERAL

Ms. Elaine H. Piper
Assistant City Attorney
Police Legal Advisor
Office of the City Attorney
The City of El Paso
2 Civic Center Plaza
El Paso, Texas 79999

OR92-470

Dear Ms. Piper:

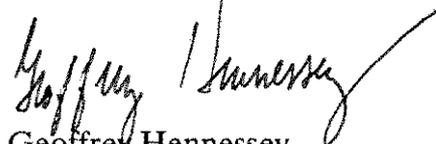
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 16782.

The El Paso Police Department (the "department") has received a request for certain maintenance records. Specifically, the requestor seeks "a copy of the maintenance records on the patrol vehicle and the maintenance and calibration records of the radar unit that was used on the evening of June 30, 1992, by Officer P. Minton, badge #917, Division P." You claim that the requested information is excepted from required public disclosure by sections 3(a)(3) and 3(a)(8) of the Open Records Act.

Section 3(a)(3) excepts from required public disclosure information relating to pending or reasonably anticipated litigation. Open Records Decision No. 551 (1990). You advise us that the city intends to prosecute the requestor for an alleged speeding violation. We conclude that litigation may be reasonably anticipated. We also conclude that the documents submitted to us for review relate to the anticipated litigation. Accordingly, unless already made available to the requestor through discovery or by other means, the requested information may be withheld from required public disclosure under section 3(a)(3) of the Open Records Act. Please note that this ruling applies only for the pendency of the litigation and the documents at issue here. As we resolve this matter under section 3(a)(3), we need not address the applicability of section 3(a)(8) 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 OR92-470.

Yours very truly,



Geoffrey Hennessey
Assistant Attorney General
Opinion Committee

GH/GCK/lmm

Ref.: ID# 16782
ID# 16892

cc: Mr. Jerry D. Briggs
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El Paso, Texas 79912