



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 19, 1996

Mr. A. Don Crowder
100 Allentown Parkway, Suite 204
P.O. Box 26
Allen, Texas 75013-0026

OR96-2440

Dear Mr. Crowder:

You have asked this office to determine if certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 102453.

The City of Allen (the "city") received a request for information about two named police officers. The requestor also asked for "any documents, policies, or letters stating the process for civilian complaints against the Allen Police Department." You submitted to this office representative samples of the information requested about the named officers.¹ You assert that the documents at issue are protected from disclosure pursuant to sections 552.101, 552.103, 552.117, and 552.119 of the Government Code.

We assume that, since you did not send copies of information about the police department's complaint procedures, these documents are not at issue and have been provided to the requestor. *See* Gov't Code § 552.022(8) (information about "the nature and requirements of all formal and informal policies and procedures" generally considered to be public). We also note that an accident report form was included in the submitted documents. In the past legislative session the legislature, in House Bill 391, amended article 6701d, V.T.C.S. to provide that a law enforcement agency employing a peace officer who completes an accident report is required to release a copy of the report on request to, among others, a person who provides the law enforcement agency with two or more of the following: (1) the date of the accident, (2) the name of any person involved in the accident, or (3) the specific location of the accident. Act of May 27,

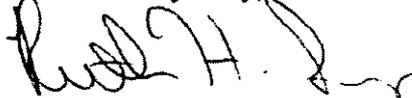
¹We assume that the sample records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision No. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

1995, 74th Leg., R.S., ch. 894, § 1, 1995 Tex. Sess. Law Serv. 4413. Thus, access to accident report forms is governed by this provision rather than chapter 552 of the Government Code. We will consider your arguments in regard to the other documents at issue.

To show that section 552.103(a) is applicable, a governmental entity must show that (1) litigation is pending or reasonably anticipated and (2) the information at issue is related to the litigation. *Heard v. Houston Post Co.*, 684 S.W.2d 210, 212 (Tex. App.—Houston [1st Dist.] 1984, writ ref'd n.r.e.); Open Records Decision No. 551 (1990) at 4. You provided this office with documents that show litigation involving the city is pending. Our review of the submitted records shows that the records at issue are related to the pending litigation.² Thus, all of the records at issue concerning the named officers, except for accident report forms, may be withheld from disclosure pursuant to section 552.103(a).³

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 102453

Enclosures: Submitted documents

²Generally, the applicability of section 552.103(a) ends once the pending litigation concludes. Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982). We note, however, that some of the information submitted to this office is confidential and may not be disclosed even after the litigation has concluded.

³As the records at issue may be withheld from disclosure pursuant to section 552.103(a), we need not address your other arguments at this time.

Mr. A. Don Crowder - Page 3

cc: Ms. Hollen Mullen
Dallas Observer
P. O. Box 190289
Dallas, Texas 75219
(w/o enclosures)