



November 15, 1999

Ms. Elaine S. Hengen
Assistant City Attorney
City of El Paso
2 Civic Center Plaza
El Paso, Texas 79901-1196

OR99-3246

Dear Ms. Hengen:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 130721.

The El Paso Police Department (the “department”) received a request for a complete copy of all records relating to Case No. 99-120345. You have submitted copies of a complaint report and supplement reports, which you describe as being the department’s complete report in the case. You state that the first three pages of the complaint report, with driver’s license information and license plate numbers redacted, have been released pursuant to section 552.108(c) of the Government Code. You claim that the remaining requested information is excepted from disclosure under sections 552.108 and 552.130 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

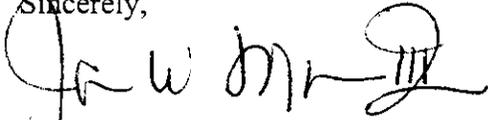
Section 552.108(a)(1) of the Government Code excepts from required public disclosure “[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime[.]” You state that the report pertains to a pending criminal prosecution. Based upon your representation, we find that most of the information contained in the report is excepted from disclosure pursuant to section 552.108(a)(1).

We note, however, that section 552.108 does not except “basic information about an arrested person, an arrest, or a crime” from required public disclosure. *See Gov’t Code § 552.108(c)*. Such basic information includes a detailed description of the offense. Basic information

must be released in accordance with *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App. -- Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). *See also* Open Records Decision No. 127 (1976).

We also note that the report contains probable cause affidavits. Any affidavits filed with a court also must be released. *See Star-Telegram, Inc. v. Walker*, 834 S.W.2d 54 (Tex. 1992). Because section 552.108 is dispositive, we do not address your section 552.130 claim. 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.

Sincerely,

A handwritten signature in black ink, appearing to read "James W. Morris, III". The signature is fluid and cursive, with the first name "James" being the most prominent.

James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/ljp

Ref: ID# 130721

Encl. Submitted documents

cc: Mr. Jose Ramirez
8161 Hickory Lane
El Paso, Texas 79915
(w/o enclosures)