



CITY OF VICTORIA

Established 1824. Founded By Congress, Republic of Texas, 1839
City Hall, Main and Juan Linn, P.O. Box 1758, Victoria, Texas 77902-1758 Telephone 512/573-2401

RQ-751

JAN 4 1994

December 30, 1993

CERTIFIED MAIL--RETURN RECEIPT

REQUESTED: P 674 913 267

GOV

Texas Attorney General's Office
14th at Lavaca Street
Price Daniel Building
Opinion Committee, 7th Floor
Austin, Texas 78701

FILE # ML-23884-94

I.D.# 23884

RE: Request for Open Records Decision Regarding
a Request for Information submitted by Mr.
Raul Villalobos, Sr., dated December 22, 1993

Dear Mr. Attorney General:

Enclosed please find a copy of a request for information made pursuant to the Open Records Act, Government Code, Chapter 552, received by the City on December 22, 1993. In compliance with Section 552.301 of the Act, I am requesting a decision as to whether the requested material is subject to disclosure under the Act.

Mr. Raul Villalobos, Sr., requests copies of three (3) police reports involving a juvenile suspect who apparently is his son.

I have been informed by Victoria Police Department personnel that the above-referenced reports are part of cases being actively investigated by the Department. As such, all but that information expressly made public by Houston Chronicle Publishing Company 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) and catalogued in Open Records Decision No. 127 (1976), is excepted from disclosure by Section 552.108(a) of the Act.

Additionally, I contend that while Mr. Villalobos may have a special right of access to certain confidential information on behalf of his minor son, pursuant to Section 552.023, he is not entitled to that information excepted from disclosure under Section 552.108, as that provision of the Open Records Act is not intended to protect the juvenile's privacy interests. As such, he is not entitled to the entire report.

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Furthermore, I contend that all references to other juvenile suspects are not releasable to Mr. Villalobos pursuant to Section 552.101 which excepts information deemed "confidential by law, either constitutional, statutory or by judicial decisions."

Section 51.14(d), Family Code, provides that "law enforcement files and records concerning a child are not open to public inspection nor may their contents be disclosed to the public." None of the section's exceptions permitting inspections are applicable to the requestor. Additionally, neither he nor his son have a special right of access to information regarding the other juvenile suspects. Finally, I have been informed by Victoria Police Department personnel that his son is not a suspect in the other two cases, therefore, he has no special right of access to any information contained in those reports.

Enclosed please find a copy of the requested information. For your convenience, I have highlighted those reports I feel are confidential and not releasable.

Therefore, in accordance with the above only the General Offense Report for Offense No. 9320157-00, in which the requestor's juvenile son is a suspect is being released to the requestor at this time. All of the other attached reports are being withheld unless and until you advise otherwise.

Please do not hesitate to contact me at (512) 573-2401 if I can be of further assistance in this matter.

Sincerely,


Karen Hendershot Bailey
Assistant City Attorney
Legal Department

KHB:rm

Enclosures: Copy for Request for Information from Mr.
Raul Villalobos, Sr., dated December
22, 1993
Copy of VPD General Offense Report No.
9320157-00
Copy of VPD Offense Witness Report No.
9320157-00
Copy of VPD Offense Suspect Report No.
9320157-00

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Copy of VPD Supplementary Offense Report
No. 9320157-00
Copy of VPD Offense Summary Sheet No.
9320157-00
Copy of VPD Arrest Report No. 9320157-00
Copy of VPD General Offense Report No.
9320155-00
Copy of VPD Offense Suspect Report No.
9320155-00
Copy of VPD Supplementary Offense Report
No. 9320155-00
Copy of VPD Offense Summary Sheet No.
9320155-00
Copy of VPD General Offense Report No.
9320155-01
Copy of VPD Offense Suspect Report No.
9320155-01
Copy of VPD Supplementary Offense Report
No. 9320155-01
Copy of VPD Offense Summary Sheet No.
9320155-01
Copy of VPD General Offense Report No.
9320147-00
Copy of VPD Offense Witness Report No.
9320147-00
Copy of VPD Offense Suspect Report No.
9320147-01
Copy of VPD Supplementary Offense Report
No. 9320147-00
Copy of VPD Offense Summary Sheet No.
9320147-00
Copy of VPD Stolen/Damaged Property Re-
port No. 9320147-00

xc: Mr. Raul Villalobos, Sr.
P.O. Box 673
Telferner, Texas 77988

Ms. Susan Riedesel, Supervisor of Records-Victoria
Police Department

CITY OF VICTORIA
REQUEST FOR INFORMATION

RECEIVED 12-22-93
Legal Department

Person requesting information: Raul Villalobos Sr.
(Please Print) Name
P.O. Box 673 Telfer, TX, 771
Address
578-8429
Phone Number

Representing: 9320157, 9320155, 9320147

Requested from which Department: Police

Describe information requested: (include specific dates/locations if known) Concerning Victor Villalobos
9320157, 9320155, 9320147

NOTE:

1. If the information requested is not immediately available, you will be notified of a time and place to obtain the information within ten days.
2. Original copies of records may not be removed from city offices.
3. The fee for copies of documents is \$.50 per page unless otherwise set by statute or ordinance.
4. Information requested in compiled form may require you or city staff to research uncompiled records.

still active case still taking statements JAV

Raul Villalobos
Signature

12-22-93
Date

FOR CITY USE ONLY

Employee receiving request form: S. Prud'homme
Date received: 12-22-93

Information supplied: _____
Date Employee

If forwarded to City Attorney: Date Forwarded: 12-22-93
Department Head Authorization: Susan Prud'homme

City Attorney (Approved) input (Denied) input (Date) 12/30/93

Comments: only the general offense report for # 9320157-00
is to be release at this time (2 pages only) - see
attached by letter.