

# TEXAS COMMISSION ON JAIL STANDARDS

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November 4, 2025

ORR 2025-10-6

## Subject: 15-day letter

Office of The Attorney General  
Open Records Division  
P.O. Box 12548  
Austin, TX 78711

Dear Office of The Attorney General:

Pursuant to Government Code §552.301(b), please accept this "15-day letter" as a request for a ruling on the exception from disclosure of public information. Please reference ORR 2025-10-6 in your response.

## BACKGROUND

On October 14, 2025, the Texas Commission on Jail Standards (Commission) received a public information request (Exhibit A) from LeRoy Nellis for:

- All inmate, family, or staff complaints received by TCJS.
- Records of investigations, findings, dispositions, or enforcement actions.
- Correspondence between TCJS and Williamson County officials relating to complaints.
- Any TCJS notifications, investigations, or correspondence involving:
- Inmate deaths, serious injuries, or hospitalization;
- All annual and special inspections, notices on non-compliances;
- Administrative data (Jail population reports).

Initially, Mr. Nellis submitted an open records request through mail and wanted the responsive documents through email. However, he did not provide an email, thus The Commission asked Mr. Nellis to submit a new request via email.

Thus, after some clarification, on October 21, 2025, The Commission forwarded a copy of the request and responsive information to the Texas Rangers (Exhibit B) and asked if they had any objections to the release of the requested information. On October 28, 2025, the Texas Rangers responded:

*Please be advised that the Texas Department of Public Safety have an active criminal investigations into the deaths of Alexis Oliva-Garcia, Caleb Matney and Robert Hill and the release of the requested records at this*

Sheriff Kelly Rowe, Chair  
Dr. Esmaeil Porsa, M.D., Vice-Chair  
Judge Joseph "Joe" Fauth, III, Plantersville

Sheriff Richard Kirkpatrick, Kingsville  
Ross Reyes, Melissa  
Patricia M. Anthony, Garland

Commissioner Ben Perry, Waco  
Duane Lock, Southlake  
Monica McBride, Alpine

"The Commission on Jail Standards welcomes all suggestions and will promptly respond to all complaints directed against the agency or any facilities under its purview".  
To empower local government to provide safe, secure and suitable local jail facilities through proper rules and procedures while promoting innovative programs and ideas

*time would interfere with those investigations. Therefore, we request that the records be withheld under section 552.108(a)(1) of the Texas Government Code. (Exhibit C)*

The Texas Rangers also submitted a separate letter to The Commission furth detailing their objections (Exhibit C).

Thus, on October 28, 2025, the Commission sent a "10-day letter" to the Attorney General requesting a ruling and a copy to the requester. (Exhibit D)

## **OBJECTIONS**

As the proper custodian of information, The Commission requests to withhold the death in custody file of Alexis Oliva-Garcia, Caleb Matney and Robert Hill in Exhibit E-G, as the Texas Rangers object to its disclosure. The Texas Rangers have submitted a separate brief to the Attorney General further detailing their objections. (Exhibit C)

The Commission also expressly requests to withhold the death-in-custody information of Caleb Matney and Robert Hill pursuant to Gov. Code Sec. 552.108, as it is part of an incomplete death-in-custody investigation by the Commission on Jail Standards. In construing the statutory predecessor to section 552.108, the Attorney General has concluded that if an investigation by an administrative agency reveals possible criminal conduct the agency intends to report to the appropriate law enforcement agency, then section 552.108 will apply to the information gathered by the administrative agency if the information relates to an open investigation or if the release would interfere with law enforcement. *See* Attorney General Opinion MW-575 at 1–2 (1982) (construing statutory predecessor); Open Records Decision No. 493 at 2 (1988) (same).

Texas Administrative Code 269.1(5) states that:

- 1) The Texas Commission on Jail Standards shall be notified of all deaths of inmates while in the custody of sheriff/operator within 24 hours of the death.
- 2) The Commission shall appoint a law enforcement agency, other than the local law enforcement agency that operates the county jail, to investigate the death.
- 3) Upon conclusion of the investigation by the designated law enforcement agency, the report shall be submitted to the Texas Commission on Jail Standards.

While waiting on the outside investigation report required by Texas Administrative Code 269.1(5), the Commission simultaneously investigates all death in custodies for potential violations of minimum jail standards. As part of its investigation, the Commission reviews:

- 1) The inmate's booking Sheet
- 2) Suicide Screening Form
- 3) "Round" sheet(s)
- 4) CCQ (Continuity of Care Query)
- 5) Notification of magistrate form(s)
- 6) Copies of video, if available
- 7) Medical summary, and other supporting medical paperwork
- 8) Autopsy Report
- 9) Final investigative report from the appointed investigating agency

After items 1-7 are reviewed for potential violations of minimum jail standards, the Commission compares its findings with the final investigative report required by Texas Administrative Code 269.1(5) to ensure no

discrepancies in reporting. Thus, the Commission cannot complete its investigation of a death in custody until it has received the final investigative report from the appointed law enforcement agency.

The Texas Rangers have been appointed to investigate the mentioned death in custodies. However, The Commission has not received the final investigative report required by Texas Administrative Code 269.1 from the Texas Rangers. Thus, the Commission cannot complete its review of the mentioned death in custodies to ensure compliance with minimum jail standards and that there are no discrepancies between the Commission's administrative review and law enforcement's criminal investigation. Therefore, the Commission requests to withhold the information gathered as part of its administrative investigation into the mentioned death in custodies pursuant to 552.108, because it relates to an open investigation, and its release would interfere with law enforcement.

Please note that the Commission has attempted to provide the remaining documents to the requester. However, the requester continues to respond with lengthy emails and has not followed the provided instructions for receiving the documents. (Exhibit H)

We seek the Attorney General's ruling on whether the statutory exceptions above are applicable to the request.

Sincerely,

A handwritten signature in cursive script that reads "Alyssa McMahon".

Alyssa McMahon  
Program Specialist

**Texas Commission on Jail Standards**

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