

Harold "Wayne" [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

March 9, 2026

VIA EMAIL

Colorado County Sheriff's Office
Attn: Public Information Officer
304 Spring Street
[REDACTED]

**RE: PUBLIC INFORMATION REQUEST PURSUANT TO TEXAS GOVERNMENT
CODE CHAPTER 552**

Dear Public Information Officer:

Pursuant to the Texas Public Information Act, Texas Government Code Chapter 552, I am requesting copies of the following public records:

RECORDS REQUESTED

All video and audio recordings from any camera or recording device within the Colorado County Jail that captured any portion of the incident involving inmate [REDACTED] on the evening of January 19, 2026, including but not limited to:

1. All video recordings from approximately 8:00 PM through 11:30 PM on January 19, 2026, from any camera in or near the medication distribution area, booking area, hallways, common areas, or any other location where the incident or its aftermath was recorded.
2. All audio recordings from the same time period, including any recordings from body-worn cameras, fixed microphones, or other audio capture devices.
3. Any video or audio recordings showing the 83-minute period between the incident (approximately 9:00 PM) and the arrival of EMS (approximately 10:49 PM).
4. Any video or audio recordings showing interactions between jail staff and [REDACTED] during the above time period.

RELATIONSHIP TO PRIOR REQUESTS

I acknowledge that this request may overlap in part with a previous TPIA request submitted on January 21, 2026 (OAG Tracking ID: 66377756), which sought dispatch audio, radio communications, and related documentation from the January 19, 2026 incident. This current request is intended to be **more comprehensive**, specifically targeting all **jail surveillance video and audio** — not merely dispatch or radio recordings. To the extent any records are responsive to both requests, they need only be produced once.

HIPAA AUTHORIZATION ENCLOSED

Because the requested video involves medication distribution and medical care, I am enclosing a signed HIPAA-compliant Authorization for Release of Protected Health Information executed by [REDACTED]. This authorization expressly permits the disclosure of any records — including video and audio recordings — related to her medical care, medication administration, and treatment at the Colorado County Jail.

Accordingly, any attempt to withhold responsive records under Texas Government Code § 552.101 (incorporating medical privacy protections under the Medical Practice Act or Health and Safety Code) would be improper, as **the patient herself has authorized disclosure**. A governmental body cannot invoke a patient's privacy rights *against* that patient to deny her access to her own records.

NOTICE REGARDING WAIVER OF LAW ENFORCEMENT EXCEPTIONS

I am putting the Sheriff's Office on notice that any attempt to withhold these records under the law enforcement exceptions (Texas Government Code §§ 552.108, 552.1175, or 552.152) would be inconsistent with representations already made by the County in related matters.

On March 3, 2026, the County's outside counsel, Allison, Bass & Magee, L.L.P., formally and explicitly **withdrew the County's reliance on these law enforcement exceptions** in a communication to the Texas Attorney General regarding related TPIA requests arising from the same January 19, 2026 incident.

By withdrawing these exceptions, the County has conceded that the release of records related to this incident would not interfere with any law enforcement or prosecutorial function, would not compromise officer safety, and would not reveal sensitive personal information beyond what is required to be public. The County cannot now reassert these same exceptions to withhold video evidence of the very same incident.

Furthermore, on February 26, 2026, Colorado County Attorney Jay Johannes confirmed in writing that "**no decisions have been made with regard to any criminal charges**" arising from this incident. There is no pending prosecution that would justify withholding this evidence under § 552.108.

NOTICE REGARDING THE LITIGATION EXCEPTION

I also anticipate that the County may attempt to invoke the litigation exception under Texas Government Code § 552.103. Any such attempt would be a misapplication of the law for the following reasons:

- 1. The video was not created in anticipation of litigation.** Jail surveillance footage is recorded automatically in the ordinary course of jail operations. It is created routinely, regardless of whether any incident occurs. The video at issue existed — and would have existed — whether or not litigation was ever contemplated. Section 552.103 protects litigation strategy and attorney work product, not pre-existing factual records that happen to become relevant to later litigation.
- 2. Core factual records are not protected.** The Attorney General has consistently held that § 552.103 does not protect basic factual information that provides a general account of an incident. *See* Tex. Att'y Gen. Open Records Decision No. 551 (1990). Video footage showing what actually happened during an incident is the quintessential "general account" — it is raw, unfiltered factual evidence, not attorney analysis or strategy.
- 3. The exception cannot be used to hide evidence of wrongdoing.** The Texas Supreme Court has made clear that the Public Information Act is to be "liberally construed in favor of openness." *City of Garland v. Dallas Morning News*, 22 S.W.3d 351 (Tex. 2000). To allow a governmental body to conceal video evidence of an alleged assault by its own employees — simply because the victim may sue — would create an exception that swallows the entire Act and shields government misconduct from public scrutiny.
- 4. The public interest is paramount.** The public has an overwhelming interest in knowing how force is used against inmates in county jails. This is especially true in light of the County's own admissions that it has no Use of Force policy and no PREA policy. Video evidence of how jail staff actually conduct themselves is precisely the kind of information the Public Information Act was designed to make available.

FORMAT AND DELIVERY

I request that the responsive video and audio recordings be provided in their original digital format (or a commonly used format such as MP4, AVI, or WAV) on a USB drive or via secure electronic transfer. I am willing to pay reasonable costs for duplication and will provide a USB drive if that would expedite production.

STATUTORY REQUIREMENTS

As you are aware, the Texas Public Information Act requires that you respond to this request promptly, and in no event later than ten (10) business days after receiving this request. If you

intend to withhold any responsive records, you must seek an Attorney General ruling within that time period and must provide me with written notice as required by § 552.301.

If you claim that no responsive records exist, please confirm in writing whether video surveillance was operational in the Colorado County Jail on the evening of January 19, 2026, and if so, whether any recordings from that date have been preserved, deleted, or destroyed.

Please contact me if you have any questions regarding this request. I look forward to your prompt response.

Sincerely,

/s/ [REDACTED]
Harold "Wayne" [REDACTED]

Enclosure: HIPAA Authorization for Release of Protected Health Information, signed by [REDACTED]

cc:

J. Eric Magee, Allison, Bass & Magee, L.L.P.
1301 Nueces Street, Suite 201
Austin, Texas 78701
e.magee@allison-bass.com