

Stuart Martin

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November 15, 2023

Brazoria County District Attorney
Brazoria County Courthouse
111 E Locust St
Angleton TX 77515

District Attorney,

Pursuant to Section 552.3215 of the Texas Public Information Act, this letter serves as a Formal Complaint against the City of Lake Jackson. This complaint alleges that Lake Jackson has failed to provide the documents I have requested through Texas's Public Information Act.

All requests were filed by me personally, Stuart Martin using a third-party service to archive the responsive documents. www.muckrock.com request number 152879, 'Lake Jackson Texas Police - Arrest of Rolando Reyes by Officer Johnny Cagle and Officer Oscar Mendoza - Officer Oscar Mendoza Complaints & IA Report'.

Below is a timeline of my request:

- 10/06/2023 Initial request for Officer Mendoz
- 10/06/2023 Records Request Confirmation from Lake Jackson (PD-2023-401)
- 10/20/2023 Partial release of information with refusal to release some information.
- 10/22/2023 Follow up email requesting all documents.
- 00/00/2023 Response from Lake Jackson refusing release of documents.

The following request was made of Lake Jackson:

- 1) A copy of any and all complaint(s) received for the following officer: Officer Oscar Mendoza.
- 2) A copy of any and all Internal Affairs Report(s) and or Finding(s) for the following officer: Officer Oscar Mendoza.
- 3) A copy of any and all Disciplinary Record(s) for the following officer: Officer Oscar Mendoza.
- 4) A copy of any termination paperwork, or letter of resignation from the following officer: Officer Oscar Mendoza.

Excluded from this request:

- a) Confidential information deemed protected by Texas Law, Statute or Attorney General Ruling.

Lake Jackson has refused to release the Signed Complaint against Oscar Mendoza and the associated Internal Affairs Report.

In the partial documents provided by Lake Jackson was a letter for Disciplinary Action taken against Officer Mendoza dated 03/09.2022 referencing IA 2022-03-001.

Texas Government Code 614.023 requires the following:

Sec. 614.023. COPY OF COMPLAINT TO BE GIVEN TO OFFICER OR EMPLOYEE.

- a) A copy of a signed complaint against a law enforcement officer of this state or a fire fighter, detention officer, county jailer, or peace officer appointed or employed by a political subdivision of this state shall be given to the officer or employee within a reasonable time after the complaint is filed.
- b) Disciplinary action may not be taken against the officer or employee unless a copy of the signed complaint is given to the officer or employee.
- c) In addition to the requirement of Subsection (b), the officer or employee may not be indefinitely suspended or terminated from employment based on the subject matter of the complaint unless:
 - 1) the complaint is investigated; and
 - 2) there is evidence to prove the allegation of misconduct.

Based on Section 614.023 there exists a Signed Complaint against Officer Oscar Mendoza and an Internal Affairs Report based on that complaint. Chapter 552 of the Government Code requires the release of requested documents unless it is exempted. There is not an exemption when Disciplinary Action has been taken against an Officer. Two recent Decisions from the Texas Attorney's Office that covers this issue, they are Abbott OR2012-02011 and Cornyn OR99-1167.

Sincerely,

Stuart Martin

Attached:

- Copy of Initial request, confirmation receipt and email indicating partial release.
- Copy follow up request demanding all documents.
- Copy of document from Lake Jackson denying release of all documents.
- Copy of disciplinary action taken against Oscar Mendoza.