



David K. Walker

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Montgomery County

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OPEN RECORDS DIVISION

December 17, 2008

CERTIFIED MAIL NO. 7007 2680 0001 6181 8311

RETURN RECEIPT REQUESTED

AND REGULAR MAIL

Mr. Jim Doyle
16728 Bending Oaks
Conroe, Texas 77385

Re: *Your Request for Information related to release of illegal aliens from the Montgomery County Jail to federal law enforcement and/or any other federal authority in the year 2008*

Dear Mr. Doyle:

The Montgomery County Sheriff's Department ("MCSO") received your written request for information related to the release of illegal aliens from the Montgomery County Jail to a federal law enforcement agency or any other federal authority in the year 2008. We take this opportunity to respond to your request at this time.

As you have previously been advised, the Sheriff's Department does not maintain information which would advise which inmate(s) were transferred to a federal law enforcement or federal agency due to their status as an "illegal alien". Therefore, in order to comply with your request, the Sheriff's Department will have to pull each individual inmate jail packet for the year 2008 in order to determine which records are responsive to your request. As I am sure you will understand, this can be a rather lengthy, time consuming endeavor as an estimated 16,307 inmates have been booked within the year 2008 alone.

Estimate of Costs

The MCSO estimates that the cost to either provide you with copies and/or access to the information you requested will exceed \$40.00. In this circumstance, the Texas Public Information Act (the "Act") requires that the MCSO provide you with an itemized statement of the estimated charges and advise you of your rights and responsibilities under the Act. TEX. GOV'T CODE § 552.2615(a). First, you must provide MCSO with the mailing, facsimile transmission, or electronic address at which you choose to receive the itemized statement. Because you have already supplied your mailing address and facsimile number, an itemized request is included in this letter. Second, your request will be considered automatically withdrawn if you do not respond to the itemized statement in writing within ten (10) business days of today. Your written response must indicate that you: (1) will accept the estimated charges; (2) are modifying the request in response to the itemized statement; or (3) have sent to the Office of the Attorney General a complaint alleging that you have been overcharged for being provided with a copy of the public information. Finally, you may send your written response to me by mail, in person, by facsimile transmission, or by electronic mail. TEX. GOV'T CODE § 552.2615.

Mr. Jim Doyle
 December 17, 2008
 Page 2 of 3

Itemized Statement of Estimated Charges

Item	TEX. ADMIN. CODE	Quantity	Rate	Cost
Copies of items to be produced (standard)	§ 70.3(b)	24,462	\$0.10/page	\$2,446.20
Labor	§ 70.3(d)	30 minutes per jail pack (8,154 packs) = 4,077 hours	\$15/hour	\$61,155.00
Overhead	§ 70.3(e)		20% of Labor	\$12,231.00
Postage/Shipping	§ 70.3(j)	----	actual cost (7.7 Ounce envelope + certified mail	To be Determined
TOTAL COST INCURRED:				\$75,832.20

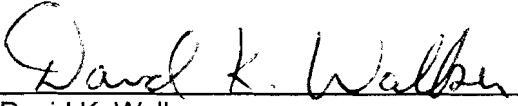
Because the estimated costs of responding to your request will exceed \$50.00, **the MCSO will require a deposit of ten percent (10%) of the estimated cost, or \$7,583.22, before it will begin pulling the information that may be responsive to your request.** TEX. GOV'T CODE § 552.263.

Alternatively, you may reduce the costs associated with responding to your request by narrowing the scope of your request or by inspecting the responsive information in our office or the office of the MCSO Records Division during normal business hours (Monday through Friday from 8:00 a.m. to 5:00 p.m.). Should you choose to inspect the responsive material, we would ask that you notify us at least twenty-four (24) hours in advance so that we can insure the responsive material will be ready for viewing. We remind you that, should you choose to inspect the records, you will be required to pay the copy costs associated with your request, as well as possible labor charges, depending on the number of pages involved in accordance with Section 552.271 of the Government Code.

Please allow me to remind you that this is an estimate only. If we do not receive a written response from you within ten (10) days of your receipt of this correspondence, we will assume that you do not agree to pay the fees associated with your request and will consider your request withdrawn.

Sincerely,

MONTGOMERY COUNTY
 ATTORNEY'S OFFICE

By: 
 David K. Walker,
 County Attorney

Mr. Jim Doyle
December 17, 2008
Page 3 of 3

cc: Ms. Bethany Stafford, Records Division
Montgomery County Sheriff's Department