RE: IPRA Request and Record Costs

Dear Ms. Floyrance,

I am writing in regard to inquiries of the New Mexico Foundation for Open Government (NMFOG) made by Vincent Rodriguez of KOAT TV 7.

NMFOG questions Bernalillo County’s refusal to provide Mr. Rodriguez with 911 records. Original records of entry include initial incident reports, initial offense reports as well as 911 tapes and transcripts, radio and dispatch tapes and mugshots. There is no section of the New Mexico Inspection of Public Records Act (IPRA) that allows you to withhold these records or any information contained within them for any reason. IPRA also requires you to produce the records within the 15-day time limit. All denial letters must describe the specific legal basis for nondisclosure.

The public is entitled to obtain information regarding crime and potential criminal activity and to obtain this information in a timely manner subject to the exceptions provided for in the New Mexico Inspection of Public Records Act, NMSA 1978, SS 29-10-1 and through the Inspection of Public Records Act, NMSA 1978m 14-2-1.

Also, as the Attorney General has pointed out time and again, the County’s effort to charge $25 for a CD is not actual costs and therefore in violation of IPRA. Any fees must conform to Section 14-2-9(c), the actual costs.

Again, I urge you to complete Mr. Rodriguez’s IPRA requests. I call your attention to the enforcement section of IPRA (NMSA § 14-1-12) which provides for monetary damages as a result of noncompliance.

Thank you for your prompt attention to this matter.

Melanie J. Majors
Executive Director
New Mexico Foundation for Open Government

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