March 19, 2021

Franklin Boyd
Chief of Police
451 Boardman Drive
Gallup, NM 87301

Dear Chief Boyd,

I am writing in response to an inquiry of the New Mexico Foundation for Open Government (NMFOG) made by the Gallup Sun. NMFOG questions the Gallup Police Department’s (GPD) response to numerous records requests submitted by the newspaper to your agency. 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 Arrest Record Information Act, NMSA 1978, SS 29-10-1 and through the Inspection of Public Records Act, (IPRA) NMSA 1978m 14-2-1. IPRA requires that records be made available immediately or as soon as practicable. Pages 12 and 13 of the Attorney General’s IPRA Compliance Guide specifically calls out original records of entry, including initial incident reports, as subject to IPRA. You may not withhold these records, or any information contained within them for any reason including the grounds that the record(s) are “not yet completed.”

Under IPRA, you are not permitted to charge a fee to inspect a record. Charging a fee to inspect an original record of entry is an insult to the taxpayer – a taxpayer who has already paid the salaries and expenses for the collection of the record information, its storage and retrieval. Also, your department is not permitted to charge a fee for an electronic record. Again, I urge you to complete Ms. Blakeman’s request with the records requested – the original record of entry(s) - not copious reams of paper. I call your attention to the enforcement section of IPRA (NMSA § 14-1-12) which provides for monetary damages as a result of noncompliance. Also, as the records are regularly requested, you might increase transparency and spread goodwill by making the original records of entry available on a daily basis without a specific request.

Thank you for your prompt attention to this matter.

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

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