

STATE OF NEW MEXICO  
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS  
ATTORNEY GENERAL

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December 22, 2020

Ms. Monique Desormeaux  
848 North Rainbow Boulevard, No. 1313  
Las Vegas, Nevada 89107  
Email: [modeso61@yahoo.com](mailto:modeso61@yahoo.com)

**Re: Inspection of Public Records Act Complaint – Santa Fe Police Department**

Dear Ms. Desormeaux:

The Office of the Attorney General, Open Government Division (“OGD”) has received your complaint alleging violations of the Inspection of Public Records Act (“IPRA”), NMSA 1978, Sections 14-2-1 to -12 (1947, as amended through 2019), by the Santa Fe Police Department (the “Department”). The OGD is charged with enforcement of the IPRA and in that capacity has reviewed the facts and allegations in your complaint. *See* NMSA 1978, § 14-2-12(A).

In New Mexico, “all persons are entitled to the *greatest possible information* regarding the affairs of government and the official acts of public officers and employees.” Section 14-2-5. *See also Republican Party of New Mexico v. New Mexico Taxation & Revenue Dep’t*, 2012-NMSC-026, ¶ 38, 283 P.3d 853, 867 (observing “IPRA’s guiding purpose of promoting government transparency”). This vital public policy is reflected in the Inspection of Public Records Act, which is broadly written to give individuals the right to inspect all “public records” with certain limited and specifically enumerated exceptions. *See* § 14-2-1(A) (setting forth eight narrow exceptions to disclosure). One such exception applies to law enforcement records, permitting public bodies to redact, among other specified pieces of information, the “names, address, contact information, or protected personal identifier information” of individuals who have been “accused but not charged with a crime.”<sup>1</sup> Section 14-2-1(D)(2).

In the complaint you have submitted to our Office, you allege that the Department violated IPRA in connection with your records request dated August 15, 2017. Specifically, your sole allegation is that the Department improperly redacted the names of two women, whom you allege assaulted you some time ago, from a police report. However, as mentioned previously, IPRA permits (and has permitted at all times relevant to this complaint) public bodies to redact the names of

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<sup>1</sup> The Legislature amended the law enforcement records exception during the 2019 Legislative Session. Prior to that time, however, the exception still permitted public bodies to redact information as to “individuals accused but not charged with a crime.” NMSA 1978, § 14-2-1(A)(8) (1947, as amended through 2011).

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individuals who are “accused but not charged with a crime.” As it appears that these women whose names you seek have not been charged with any crime, it is clear as a matter of law that the Department was authorized to redact their names from the police report in question. We therefore conclude that your complaint has not identified a violation of IPRA, and we consider this matter closed.

The Office of the Attorney General appreciates you bringing possible violations to this office and will welcome any further complaints you may submit. If you have any concerns in the future, please do not hesitate to contact us. Additionally, our IPRA Guide is available on the website of the Office of the Attorney General at [www.nmag.gov](http://www.nmag.gov).

Sincerely,



John Kreienkamp  
Assistant Attorney General

Enclosure:

cc: Erin McSherry, Santa Fe City Attorney  
[ekmsherry@santafenm.gov](mailto:ekmsherry@santafenm.gov)