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Supreme Court limits criminal investigation records shielded from disclosure

SANTA FE – The state Supreme Court today limited the scope of a provision in state law that shields certain law enforcement records from public disclosure.

In a unanimous decision, the state's highest court said the Inspection of Public Records Act (IPRA) "does not create a blanket exception from inspection for law enforcement records relating to an ongoing criminal investigation."

"Nowhere does the plain language of Section 14-2-1(A)(4) exempt from IPRA inspection requirements all law enforcement records relating to an ongoing criminal investigation," the Court held in an opinion written by Justice Barbara J. Vigil.

The Court explained, "Instead of focusing on whether there was an ongoing investigation, our Legislature was concerned with the specific content of the records. Only 'law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime' are exempt from the general IPRA inspection requirement under Section 14-2-1(A(4)."

The Court also stated that "requested law enforcement records containing both exempt and nonexempt information cannot be withheld in toto." Instead, the law requires the records custodian to separate the nonexempt law enforcement information and make it available for public inspection.

The justices concluded that a district court interpreted the IPRA exception too broadly and wrongly dismissed a public records enforcement lawsuit against the state Department of Public Safety (DPS) by the brother of James Boyd, who was shot and killed by Albuquerque police in March 2014.

The Court ordered the case back to the district court for further proceedings. The lawsuit by Andrew Jones was filed after DPS initially withheld most of the records he requested about the shooting. DPS contended that release of the records could jeopardize an FBI investigation of the

shooting. The records were provided months later to Jones, in January 2015, after completion of the federal investigation. Under IPRA, people can receive damages, costs and attorney fees if a written records request is wrongly denied.

The Supreme Court also reversed a ruling by the Court of Appeals against Jones' appeal of the district judge's decision.

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To read the decision in *Jones v. N.M. Dep't of Public Safety*, No. S-1-SC-37094, please visit the New Mexico Compilation Commission's website using the following link:

https://decisia.lexum.com/nmos/nmsc/en/item/482405/index.do