

RE: IPRA 23-596

AV Ariadna Vazquez <AriVazquez@salud.unm.edu>
To: Robert M Tafoya; Brandon R Toensing; Loretta Martinez; Scot Sauder

Wed 12/13/2023 11:05 AM

I agree with Brandon's assessment, thanks.

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From: Robert M Tafoya
Sent: Wednesday, December 13, 2023 11:02 AM
To: Brandon R Toensing <BToensing@salud.unm.edu>; Ariadna Vazquez <AriVazquez@salud.unm.edu>; Loretta Martinez <LPMartinez@salud.unm.edu>; Scot Sauder <SSauder@salud.unm.edu>
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Thank you Brandon for that analysis and insight. I will wait for confirmation from Ari, Loretta and Scot as to if they also agree that we can leave this matter closed under the aforementioned reasonings.

Have a good day

Rob Tafoya
Custodian of Public Records

From: Brandon R Toensing
Sent: Tuesday, December 12, 2023 9:58 AM
To: Robert M Tafoya <RobMTafoya@salud.unm.edu>; Ariadna Vazquez <AriVazquez@salud.unm.edu>; Loretta Martinez <LPMartinez@salud.unm.edu>; Scot Sauder <SSauder@salud.unm.edu>
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I will defer to all the senior counsel here, but the attached court order granting a plaintiff's motion for summary judgment from 2015 is not something that is very persuasive, and definitely not binding on our decisions. If UNM/UNMPD makes the decision to withhold inventories of weapons/equipment based on the rationale that it could pose a safety/vulnerability concern, I think UNM should continue to make those decisions until a court specifically informs us that it is not permissible. It is impossible to draw a direct analogy to the facts at issue in the attached case and the present IPRA requests. Further, in the past on some of these requests that seek to obtain documents that don't necessarily fall into the narrow IPRA exception of a safety report, we have had the UNMPD Chief sign off on the IPRA production letter as the "person responsible for withholding the documents," similar to the way we do the Roth Rule. Moreover, the specific language of this section of the IPRA statutes have changed since the ruling on this Motion for Summary Judgment, so I don't think it is appropriate to follow it as precedent. I don't think this IPRA should be reopened. Perhaps you can work with the requestor and UNMPD to determine if there are any types of records or information that could be produced in response to a particular, slightly altered request?

These are just a few thoughts,

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From: Robert M Tafoya
Sent: Monday, December 11, 2023 12:36 PM
To: Ariadna Vazquez <AriVazquez@salud.unm.edu>; Loretta Martinez <LPMartinez@salud.unm.edu>; Brandon R Toensing <BToensing@salud.unm.edu>; Scot Sauder <SSauder@salud.unm.edu>
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Good afternoon,

We have had a series of requests for police reports, with all of them being standardized reports for incidents such as weapon possession, drug possession, and simple assault, so they all have standard redactions for PII, PHI, potential medical treatment/intervention. We did have one request that was slightly different, where Lily Alexander had requested "The University of New Mexico Police Department equipment inventory", and upon receipt of that request, Commander Madrid stated that the list of what items, weapons, and overall equipment that they own and utilize for their department is a security threat that would put them at a risk of potential increase in security threats. In other requests where information regarding how UNMPD would respond to protestors and guest speakers on campus, where they would be stationed at, how many officers they would have present, etc we denied under the security threat exemption of IPRA and denied this one under the same exemption. I just spoke to the requestor today on this matter and she brought up the attached judgement in a similar manner where APD also cited that providing their list of equipment would be a security threat and they denied an IPRA with that same citation language. I wanted to garner everyone's feedback on this to see if we should proceed to leave this matter closed under the citation, or based upon the attached judgement we should re-open and notify Commander Madrid as well.

Thank you everyone

Rob Tafoya
Custodian of Public Records