



---

2333 Wisconsin St. NE  
Albuquerque, NM 87110  
NMFOG.org

## NEWS RELEASE

**May 5, 2021**

**For Immediate Release**

**Contact: Melanie J. Majors, Executive Director, 505-764-3750**

### **NEW MEXICO FOUNDATION FOR OPEN GOVERNMENT FILES AMICUS BRIEF ASKING FOR REVERSAL OF LOWER COURT DECISION CONCERNING POLICE DISCIPLINARY RECORDS**

**ALBUQUERQUE, N.M.** – The New Mexico Foundation for Open Government (NMFOG) has filed an amicus brief (friend of court brief) urging the New Mexico Court of Appeals to reverse a lower court ruling protecting Santa Fe City police disciplinary records from release to the Santa Fe Reporter under the Inspection of Public Records Act (IPRA).

NMFOG was joined in the brief by the Albuquerque Journal, Santa Fe New Mexican, KOB-TV, LLC, KOAT-TV, and the New Mexico Press Association.

In its argument to the Court, NMFOG supports the Reporter’s request to reverse a May 2020 decision issued by First Judicial District Judge Bryan Biedscheid who ruled public records concerning the discipline of public employees were exempt from IPRA as “matters of opinion in personnel files.”

More than two years ago, the Reporter filed an IPRA with the City of Santa Fe requesting certain police disciplinary records, but the City refused to produce the documents citing, among other arguments, the matters of opinion exception under IPRA. The Reporter eventually sued for the documents and after several rulings by Judge Biedscheid the requested records were allowed to be withheld from inspection.

Former NMFOG Board President Greg Williams prepared the amicus brief on behalf of NMFOG and its media partners. Williams urged the Court of Appeals to reverse the lower court and order the City of Santa Fe to produce the requested records with redactions only for those portions of the documents that constitute matters of opinion.

“The term ‘matters of opinion’ must be construed narrowly to effectuate the intent of the Legislature, and does not include facts, including facts of discipline,” Williams argued in the amicus brief.

Melanie J. Majors, executive director of NMFOG noted that the public’s ability to learn whether a public official has been subject to discipline is an important issue. “We are currently living in a time when police accountability is particularly important,” Majors said.

“The public deserves to know when disciplinary action is considered or taken against an officer. This is factual information, not an opinion.”

A complete copy of the amicus brief is available at [nmfog.org/resources/NM Court Cases](http://nmfog.org/resources/NM_Court_Cases).

As an advocate for transparency in government, NMFOG’s mission is to defend the public’s right to know and to educate citizens and government agencies about their rights and responsibilities under New Mexico’s open-meetings and open-records laws. Founded in 1989, NMFOG is a nonprofit, nonpartisan, member-supported organization that serves the open government interests of the general public, the business community, elected officials, journalists and lawyers. If you have any questions or concerns regarding IPRA or the Open Meetings Act, you can contact the Hotline at 1-505-764-3750.

###