

On the Positive Side: Better Public Information Results at Animal Shelter
by Frank Bryce
March 30, 2012

A March 17th Sun-News editorial focused on Sunshine Week, a national initiative to promote open government and freedom of information which was launched by the American Society of News Editors and is celebrated in mid-March each year. The article stated in 1913 U.S. Supreme Court Justice Louis Brandeis observed that sunlight is the best disinfectant. The article further stated "Of all the checks and balances, none are more effective than open meetings and open records laws that allow every member of the public to see how their tax money is being spent and how their laws are being passed." The "Inspection of Public Records Act" (IPRA) is an important aspect of this sunshine effort in New Mexico.

A recent example of enforcing IPRA is the request for public information files concerning 72 animals reported as stolen or missing from the Animal Services Center of Mesilla Valley (ASCMV) during 2010. The Humane Society of Southern New Mexico (HSSNM) began its request to view these files in April of 2011 when the ASCMV 2010 Annual Report was made available. There was concern that in 2008 there were 11 animals listed as stolen or missing, 33 listed as stolen or missing in 2009 and 72 for 2010. The dramatically increasing numbers caused HSSNM to request a review of the records but was not successful in adequately obtaining the files until late in 2011 after filing a Writ of Mandamus in Third Judicial District under case number CV-2011-2660. While the ASCMV has paid the HSSNM court costs and lawyer's fees in addition to providing the requested documents, in the "Release of All Claims", which is the settlement statement between the ASCMV and HSSNM, in item (2) HSSNM expressly declares and agrees All claims, past, present and future, are disputed and this full and final settlement thereof shall never be treated as evidence of liability, nor as an admission of liability or responsibility at any time or any manner whatsoever.

The initial positive result of the action taken by HSSNM is that the IPRA information informing the public of the IPRA process to obtain public information has been properly posted including the ASCMV website. Additionally, in late 2011 there was installation of a security camera system valued over \$35,000 at the shelter, and the number of animals listed as stolen or missing dramatically dropped to only four reported during all of October, November and December of 2011. HSSNM is currently reviewing the files to determine if other action needs to be developed to address this stolen or lost numbers issue.

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