

CITY OF WARREN
FOIA APPEALS COMMITTEE MEETING
April 9, 2015

A meeting of the Warren FOIA Appeals Committee was called for Thursday, April 9, 2015 at 4:00 p.m. in the Warren Community Center, Conference Room B, 5460 Arden, Warren, Michigan 48092.

Members of the Committee present:

Patrick Green, Council Vice President
Robert Boccomino, Councilman
Scott Stevens, Council Secretary, Mayor Pro Tem

Members of the Committee Absent:

None

Also present:

Jacqueline Gartin, Assistant City Attorney

1. CALL TO ORDER

Chairman Green called the meeting to order at 4:10 p.m.

2. ROLL CALL

All Members were present.

3. ADOPTION OF THE AGENDA

Motion:

Mr. Boccomino made a motion to adopt the agenda, supported by Mr. Stevens. A voice vote was taken. The motion carried (3-0).

4. Ms. Ruth Hayes – Freedom of Information Act Appeals.

Mr. Green has read, he thinks everyone has had an opportunity, if the city attorney can give a quick synopsis of the original findings and the reason for the denial for the record.

Ms. Gartin stated the original request by Ms. Hayes was for a performance evaluation, practically personnel record of that officer. They denied pursuant to several exceptions under FOIA which very clearly state that personal records of officers are not public record and exempt from disclosure. Pursuant to that, they have denied her request.

Mr. Green asked if there were any questions from the committee.

Mr. Boccomino said he had one. When he was reading it, it mentioned about a pervious case about a teacher was FOIA'd and they allowed that. He was just curious about that.

Ms. Gartin said what happened was, and the case she cited says there is a distinct difference between teacher personnel files and police files, the court has found that the police files are not subject to FOIA. She's thinking the reason teacher personnel files are for the safety of the children. You'd like to know if a teacher has been reprimanded for having inappropriate conversations.

Mr. Boccomino said that's alright. That's what he gathered too but he was just curious.

Mr. Stevens asked on that same note though, isn't part of the file permissible to be released and then the rest of it can be redacted.

Ms. Gartin replied personnel? No, it's absolutely closed off.

Mr. Green stated it's a specific line in the exception.

Mr. Stevens thought the main part was the address and stuff like that.

Ms. Gartin stated no there's a specific exemption and that's because...

Mr. Green says of law enforcement officers.

Ms. Gartin continued of law enforcement officers and that's because they want frank communication between command and officer's. If you take out, take away that, not secrecy but that cloak, then people may not be as honest or forthcoming in files with police officers. So to protect frank communications and the police departments, they've exempted these files.

Motion:

Mr. Stevens made a motion to affirm the denial, supported by Mr. Boccomino. A voice vote was taken. The motion carried (3-0).

5. AUDIENCE

No audience.

6. ADJOURNMENT

Motion:

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Mr. Boccomino made a motion to adjourn. Mr. Stevens supported the motion. A voice vote was taken. The motion carried (3 – 0).

The meeting adjourned at 4:13 p.m.