

State Records Committee
Nova Dubovik
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Salt Lake City, UT 84101

#2017-101

REC'D SEP 29 2017
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Nova Dubovik

Hello, I would like you to consider this my notice of an appeal to a denial issued to me by Patrick Leary Chief Administrative Officer of the Salt Lake City Office of the Mayor on September 28, 2017. This appeal denial was to my original request from September 6, 2017. The original request was logged through the Salt Lake City Public Records Center, reference number P036581-090617.

My request was for:

"Unredacted copies of reports previously provided to me regarding cold case investigation of Anthony Adams. Case# 1978-86442," and I referenced a previous request for information about this case.

"Specifically from these reports I am not seeking that names of witnesses be provided, however, in the first report provided to me, "78-86442_MR" there are significant chunks of the narrative that redacted of details about the crime scene. See page Page 6 and Page 23. On the second file provided to me, "Reports_Released_052017_MR" page 14 shows the whole page of the autopsy report has been redacted."

On Sept.21 the police department denied the request because Utah Code 63G-2-305(10)(a) protects records the disclosure of which could interfere with an investigation and Utah Code 63G-2-305(10)(e) that disclosure of the records would disclose investigative techniques not generally known to the public. In this appeal to the State Records Committee I maintain the same arguments as I did in my first appeal.

1. It doesn't make sense to call an investigation "active" that has been open since 1978, even if the department says there has been active work in recent months.
2. records are not always permanently protected as is consistent with Utah Code 63G-2-310(1): "The classification of a record is not permanent and a record that was not classified public under this act shall become a public record when the justification for the original or any subsequent restrictive classification no longer exists..." A truly active investigation would require non-disclosure of files to keep from jeopardizing the case, however, there is nothing to indicate this is truly an active investigation.
3. Citing Utah Code 63G-2-305(10)(e) is not a valid argument when the department can simply black out specific "investigative techniques" that apparently were in use in the late 70s and are still employed to this day. I also challenge the idea that the redacted sections of these reports discuss "techniques" that need to be kept from public knowledge. Several of the redacted sections are from an initial contact report narrative description of the scene. The report was only detailing the crime scene, and was specific to that scene so it strains credulity to say that something in that section revealed a law enforcement investigative technique. Likewise an autopsy report was redacted, however, in other requests, autopsy reports were provided to me

- without redaction. Again, it is hard to see how an autopsy report, which is specific to an individual's body recovered from a crime scene would disclose investigative techniques.
4. I also invoke GRAMA's balancing test, that the public has a right to know how this investigation was undertaken, given the sensitive nature of the case and the victim's political activities and support for marginalized communities, the public deserves to know the extent of the force's efforts in finding Adams' killer. To further extend on that point, I think the balancing test also serves another purpose besides being a check on the accountability of a law enforcement agency. I would also argue that the public has a right to know because a fuller and fleshed out account of this case might help raise awareness and bring new leads or tips to the police department to help in solving it. This is a file that has likely outlasted most police that ever knew about it. While institutional knowledge has shifted with staff turnover and retirements, this case remains unsolved and open. And at this point the public has a right to know more about it so they can, as informed citizens, perhaps help to solve it, or at the least learn something from the case and the way it was handled. Another key issue at play here is the nature of the crime. Detective Parks suggested to me the likelihood that the murder was committed by someone familiar with the victim, and not a killing motivated by hate or politics as some had alleged at the time of the crime. I believe there is information in the report that could help confirm one way or another the nature of the crime and if there is evidence to suggest a possible hate crime, then that is absolutely something the public has a right to know about.

Let me know if you have any questions or need anything else in furtherance of this appeal to the records committee. As usual I have attached files to this request of my correspondence with Salt Lake City over the records. The initial GRAMA was made through the Salt Lake City Public Records Center so I have included screenshots of that. In case there is any confusion in the timeline of the appeals and denials, I made my initial appeal after 10 business days had expired, so my first appeal was to a defacto denial because of non-response. After I made that appeal the department *then* responded with an official denial. I then made an addendum to the appeal based on the arguments they presented at that time.

I've also included in the attachments a folder "Redaction Examples" that shows several example pages from the reports I received so the State Records Committee can see examples of spots in the report where the narrative is redacted in large sections. Those spots are areas I'm seeking be unredacted and made public, though they are not necessarily the only areas I'm seeking be disclosed.

Thanks

Eric S. Peterson

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