

COUNCIL COMMUNICATION

From: The City Manager

Subject: Verna Howard Freedom of Information Act Appeal

Manager's Recommendation:

It is recommended that City Council deny Verna Howard's Freedom of Information Act ("FOIA") appeal and not provide the requested document.

Justification:

On June 11, 2008, the Saginaw Police Department ("SPD") received a Freedom of Information Act ("FOIA") request from Verna Howard requesting a copy of the entire file, excluding pictures, related to her son's homicide. On June 26, 2008, the SPD sent Ms. Howard a letter denying her request pursuant to MCL 15.243(1)(b)(i). That section states that information is exempt from disclosure if it would interfere with law enforcement proceedings. On July 2, 2008, the City received an appeal from Ms. Howard. Her appeal only requests a copy of the police incident report related to her son's homicide.

Currently, the SPD is in the process of investigating this matter. A team of detectives is actively investigating the death of Ms. Howard's son. Disclosure of the requested information would interfere with law enforcement proceedings pursuant to MCL 15.243(1)(b)(i). Specifically, disclosure of the information could scare potential witnesses into not providing information for fear of retaliation. In addition, suspects listed in the report could disappear and avoid prosecution. As a result, it is recommended that the FOIA appeal submitted by Ms. Howard be denied.

Council Action:

Council _____ moved that the recommendation of the City Manager be approved.

7-14-21