

COUNCIL COMMUNICATION

From: The City Manager

Subject: Daniel Collison Freedom of Information Act Appeal

Manager's Recommendation:

I recommend that the FOIA Appeal submitted by Mr. Collison be denied.

Justification:

On April 17, 2009, the Saginaw Police Department ("SPD") received a Freedom of Information Act ("FOIA") request from Daniel Collison requesting the following documents:

"A complete copy of all file materials including but not limited to photographs, diagrams, measurements, accident reconstruction report/s, handwritten notes, interviews, written and recorded statements, blood alcohol test reports, toxicology reports, breathalyzer test results, narrative reports, traffic citations issued and UD-10's and any all other information contained within your file."

Subsequently, on April 23, 2009, the SPD sent Mr. Collison a letter denying his request pursuant to MCL 15.243(1)(b)(i). This section states that information is exempt from disclosure because it would interfere with law enforcement proceedings. The SPD denied Mr. Collison's FOIA request because the case is still open. Specifically, the SPD is still investigating the fatal accident, including interviewing witnesses.

A review of this matter discloses that the case is still open and that the SPD has not completed its investigation. Subsequently, the information will be submitted to the Prosecuting Attorney's Office. Disclosure of the information would interfere with law enforcement proceedings pursuant to MCL 15.243(1)(b)(i). Furthermore, disclosure of the information could interfere with the Prosecuting Attorney's Office potential case. It would deprive the defendant of a fair trial pursuant to MCL 15.243(1)(b)(ii) because it could taint a potential jury.

Council Action:

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