

MCSO IPRA CORRESPONDENCE PACKET

MCSO Case 2026-00010128 / Incident 2026-10128

Prepared for New Mexico Department of Justice IPRA Complaint

Submission note: This packet contains the original IPRA request and sent/received correspondence. Records produced by MCSO in response to the request are intentionally NOT included, consistent with the NMDOJ portal instruction. Produced-record attachments are identified by filename where relevant but omitted from the packet.

For readability, repeated quoted copies of earlier messages and standard county confidentiality boilerplate are omitted. Each exhibit preserves the unique message text, sender/recipient information, subject, and date. Only sent/received correspondence is included; unsent drafts are excluded.

15 correspondence exhibits

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Key navigation points: July 30 original request; August 14 Day-15 demand and Calandra Elliott correspondence; August 15 Benally supplemental request; August 17 'search our records' response; August 21 follow-up and MCSO request-closure response.

EXHIBIT A | July 30, 2026

From: [REDACTED]

To: MCSO Records <mcsorecords@co.mckinley.nm.us>; Miguel Bittony <miguel.bittony@co.mckinley.nm.us>

Subject: Urgent IPRA Records & Preservation Request - Sexual Assault Incident 2026-10128

Original written IPRA and preservation request.

This email constitutes a written request under the New Mexico Inspection of Public Records Act, NMSA 1978, Sections 14-2-1 through 14-2-12.

I am the victim and reporting party in a sexual assault documented under McKinley County Sheriff's Office incident number 2026-10128.

The sexual assault occurred on July 16, 2026, aboard a Greyhound bus at the Greyhound stop located at the NKS Truck Stop Conoco, 3405 W Highway 66, Gallup, New Mexico 87301. I was interviewed by Deputy Miguel Bittony.

I was specifically instructed to email the Records Office after two weeks, when the report should be ready. That time has now passed. I need these records for an urgent, ongoing matter and expect a prompt response.

I live in Hot Springs Village, Arkansas, approximately 1,000 miles from Gallup. I cannot physically travel to Gallup to collect these records in person. Please provide the records electronically by email. If electronic delivery is impossible, please contact me promptly to arrange delivery by mail. An in-person pickup requirement would create an unreasonable and impractical hardship because of the distance involved.

Please provide a complete copy of every record associated with this incident, including:

- The complete incident and offense reports
- All deputy narratives and supplemental reports
- Dispatch, CAD, call-for-service, and incident-log records
- Body-camera, dash-camera, audio, and video recordings
- Photographs and other digital evidence
- Witness statements and interview records
- Deputy notes and recordings
- Any evidence, documents, or communications received from Greyhound, the bus driver, passengers, law enforcement agencies, or other third parties
- Any other records or evidence connected to incident 2026-10128 that are releasable to me as the victim

This email also serves as a formal preservation request. Please immediately preserve all records and evidence associated with this incident in their original form, including complete files and metadata. Nothing should be deleted, destroyed, altered, overwritten, edited, compressed, routinely purged, or otherwise made unavailable. This includes body-camera and dash-camera footage, dispatch audio, CAD records, photographs, recordings, electronic communications, deputy notes, reports, supplemental materials, and all other physical or electronic evidence.

If any requested material cannot currently be released, please preserve it and identify what is being withheld and the reason. Please confirm in writing that this request was received and that the relevant records and evidence have been preserved.

My information is:

[REDACTED]

[REDACTED]

Hot Springs Village, Arkansas 71909

[REDACTED]

[REDACTED]

If identification, a request form, payment, or any additional information is required, please notify me immediately.

Thank you,

[REDACTED]

EXHIBIT B | July 30, 2026

From: Eric D. Jim, Chief Deputy <Eric.Jim@co.mckinley.nm.us>

To: [REDACTED] MCSO Records; Miguel Bittony

Subject: RE: Urgent IPRA Records & Preservation Request - Sexual Assault Incident 2026-10128

MCSO acknowledgement and promise of a response no later than 15 days.

[REDACTED]

We are in receipt of your request. We will search for reports and begin the redaction process, to remove sensitive information containing personal identifiers in compliance with IPRA. We will have a response for you no later than 15 days. We are not the custodians of the Dispatch, CAD, call-for-service, and incident-log records. You may reach out the Metro Dispatch Authority, 505-722-2002, another entity of McKinley County. Your request will also be forwarded to Metro Dispatch.

Thank you.

Eric D. Jim

Chief Deputy

McKinley County Sheriff's Office

EXHIBIT C | August 14, 2026

From: [REDACTED]

To: Eric Jim

Cc: MCSO Records; Miguel Bittony

Subject: Re: Urgent IPRA Records & Preservation Request - Sexual Assault Incident 2026-10128

Day-15 demand. Gmail timestamps show the next MCSO response arrived 13 minutes 54 seconds later.

Fifteen days have now passed since my July 30 records request. Give me my records.

I have also documented that neither of you answered my Victim Case-Status Request, leaving me entirely in the dark about the status of my case.

Anna Padilla and Alissa Copi mailed me a compact disc containing records. My computer does not have a disc drive, however, the contents are effectively inaccessible to me. Please provide the contents of that disc in an electronic format that I can actually access.

To their credit, Anna and Alissa did provide me with the 911 call transcript.

It has now been more than a month. I am the victim in this case, and I should not still be forced to piece together information on my own while receiving no substantive case-status response from the Sheriff's Office.

I need answers.

Please tell me, specifically:

What is the current status of Incident 2026-10128?

Is the investigation active?

Has the suspect been identified or interviewed?

Have the witnesses been interviewed?

Has the case been referred to a prosecutor?

Who is currently responsible for the investigation?

When will I receive the records I requested in an accessible electronic format?

Please respond directly to these questions rather than simply acknowledging receipt of this email.

[REDACTED]

EXHIBIT D | August 14, 2026

From: Calandra Elliott #2623, Records Clerk <Calandra.Elliott@co.mckinley.nm.us>

To: [REDACTED]

Subject: RE: Urgent IPRA Records & Preservation Request - Sexual Assault Incident 2026-10128

Elliott's response with the incident report, sent 13 minutes 54 seconds after the Day-15 demand.

Attachments in original message (not included here):

- 2026-10128.pdf (record produced by MCSO - intentionally omitted from this packet)

Good Morning,

Please see attached for Report 2026-10128.

Your case has been sent to the District Attorney's Office; they can be reached at 505-722-2281. They will be handling your case for future questions please reach out to them with the phone number that was provided.

Thank you,

Calandra Elliott #2623

Records Clerk

McKinley County Sheriff's Office

EXHIBIT E | August 14, 2026

From: [REDACTED]

To: Calandra Elliott; Miguel Bittony; Eric Jim; MCSO Records

Subject: Re: Urgent IPRA Records & Preservation Request - Sexual Assault Incident 2026-10128

Follow-up identifying remaining categories and requesting all responding-deputy BWC and written withholding/redaction explanation.

The full 15-day statutory period has expired, and I still have not received all records responsive to my July 30 IPRA request.

I have received the CAD log, the MCSO incident report, and dispatch audio on CD. My request also specifically included body-camera and dash-camera footage, deputy notes and supplemental reports, witness/interview records, photographs and digital evidence, recordings, and related communications.

Please produce all remaining responsive records, including all body-worn camera recordings from deputies who responded to Incident 2026-10128. If no such footage exists, please state that explicitly. If any responsive record or portion of a record is being withheld or redacted, identify it and provide the written explanation required by NMSA § 14-2-11.

I also need a direct answer regarding the suspect: Was he fully identified and his identifying information later redacted, or was his full identity never obtained?

If he was identified, I specifically request his unredacted identifying information. NMSA § 14-2-1.2(A)(2) provides that such identifying information may be redacted; it does not require that it be redacted. If MCSO is choosing to withhold or redact that information, please state the legal basis for the decision and provide the name and title or position of each person responsible for the denial, as required by NMSA § 14-2-11(B)(2).

I have now been informed that this case was referred to the District Attorney's Office. I have the incident number, but I still do not know the full identity of the accused. How can I have a meaningful case-status discussion with the District Attorney's Office when MCSO hasn't even told me whether the suspect was properly identified?

EXHIBIT F | August 14, 2026

From: Calandra Elliott #2623, Records Clerk <Calandra.Elliott@co.mckinley.nm.us>

To: [REDACTED] Miguel Bittony; Eric Jim; MCSO Records

Subject: RE: Urgent IPRA Records & Preservation Request - Sexual Assault Incident 2026-10128

Elliott states she sent Bittony's Body and Dash cam and states there were no supplemental records or photos.

Good afternoon,

I sent the Body and Dash cam from Deputy Bittony through a link from We Transfer.

There are no supplemental and photos for this Incident.

For this Incident, the Suspect Name is listed on the Report. per IPRA we are allowed to redact any personal identifiers along with anyone who was not charge with a crime.

Any future questions and updates please reach out to the District Attorney's Office 505-722-2281 for they are handling the Case.

Thank you,

Calandra Elliott #2623

Records Clerk

McKinley County Sheriff's Office

EXHIBIT G | August 14, 2026

From:

To: Calandra Elliott

Cc: Miguel Bittony; Eric Jim; MCSO Records

Subject: Re: Urgent IPRA Records & Preservation Request - Sexual Assault Incident 2026-10128

Follow-up requesting the names/titles of the persons responsible for the redaction/denial.

Let me cite the law again, because your response still does not answer the question I asked.

NMSA § 14-2-11(B)(2) REQUIRES a written denial to identify the name and title or position of each person responsible for the denial. Redacting information from an otherwise produced record constitutes a denial.

You have confirmed that MCSO is withholding the suspect's identifying information. So please answer directly: Who is responsible for that denial? Provide the name and title or position of each person responsible.

Again, NMSA § 14-2-1.2(A)(2) states the information MAY be redacted. It does not say it MUST be redacted. Please do not present a discretionary provision as though the statute requires MCSO to withhold this information.

I am asking for compliance with the statute.

EXHIBIT H | August 14, 2026

From: [REDACTED]

To: Calandra Elliott

Cc: Miguel Bittony; Eric Jim; MCSO Records

Subject: Re: Urgent IPRA Records & Preservation Request - Sexual Assault Incident 2026-10128

DA discrepancy raised directly to Elliott; includes a supplemental IPRA request for referral/transmission records.

Calandra,

You informed me in writing that "Your case has been sent to the District Attorney's Office."

I have now spoken directly with the District Attorney's Office. They conducted a thorough search using Incident 2026-10128, my name, the suspect's "name", and their available intake and case records. They confirmed that they have nothing: no referral, no intake, no case log, and no record of receiving this case from MCSO.

I have included my recording of that call. The recording is crystal clear and speaks for itself: the District Attorney's Office confirmed that it has no record of this case having been transmitted by MCSO.

Recording:

https://drive.google.com/file/d/1g2zGaT9Oaiy_mYR_mjFCIKwheSDMKgjh/view

This directly contradicts what you told me in writing.

Please answer the following directly:

- Was Incident 2026-10128 actually transmitted to the District Attorney's Office?
- If yes, provide the date and time of transmission, method of transmission, recipient, and all documentation showing the referral was sent, including any transmittal email, referral form, submission confirmation, receipt, audit log, or case-management entry.
- If it was not transmitted, explain why I was told in writing that it had been sent and that the District Attorney's Office would be handling my case going forward.
- If the referral remains pending, explain why it has not been completed and when it will actually be transmitted.

This email also constitutes a request under the New Mexico Inspection of Public Records Act for all records concerning the referral or purported referral of Incident 2026-10128 to the District Attorney's Office, including emails, referral forms, transmission records, submission receipts, audit logs, case-management entries, and internal communications concerning whether, when, or how the case was referred.

Please preserve all such records.

NMSA § 29-1-1 requires sheriffs and their deputies to investigate reported criminal violations and to cooperate with and assist the District Attorney in all reasonable ways. I was specifically directed by MCSO to contact the District Attorney because I was told that office was now handling my case. I did exactly that, only to discover that the District Attorney has no case to handle because their office has received nothing from MCSO.

Please do not direct me back to the District Attorney's Office. They have already checked. They have nothing.

I need MCSO to explain this discrepancy and provide documentary proof of exactly what happened to the referral for Incident 2026-10128.

EXHIBIT I | August 14, 2026

From: Calandra Elliott #2623, Records Clerk <Calandra.Elliott@co.mckinley.nm.us>

To: [REDACTED]

Cc: Miguel Bittony; Eric Jim; MCSO Records

Subject: RE: Urgent IPRA Records & Preservation Request - Sexual Assault Incident 2026-10128

Elliott's later DA description after the discrepancy was raised.

Good Afternoon,

I spoke with the District Attorney, and they advised that "they are taking the case in as intake and current status as "under review" in which has not been assigned to an Attorney or prosecutor. Chief Deputy Jim will be in contact with the District Attorney come Monday August 17 and we will have an update for you then.

Thank you,

Calandra Elliott #2623

Records Clerk

McKinley County Sheriff's Office

EXHIBIT J | August 14, 2026

From: [REDACTED]

To: Calandra Elliott

Cc: Miguel Bittony; Eric Jim; MCSO Records

Subject: Re: Urgent IPRA Records & Preservation Request - Sexual Assault Incident 2026-10128

Follow-up documenting the difference between 'has been sent' and 'taking the case in as intake.'

Thank you for the clarification. Your current explanation is materially different from what you previously told me in writing.

You previously stated, "Your case has been sent to the District Attorney's Office; they will be handling your case for future..."

You are now telling me that the District Attorney's Office is only taking the matter in as intake, that its current status is "under review," and that it has not been assigned to an attorney or prosecutor.

That distinction matters. When I contacted the District Attorney's Office based on your earlier representation, they confirmed that they had no intake, case log, referral, or record of the matter at that time.

Please clarify exactly when the case was first transmitted to the District Attorney's Office, by whom, and when the DA actually accepted it into intake. I also request any record documenting that transmission or intake.

I will expect the promised update after Chief Deputy Jim contacts the District Attorney's Office on Monday, August 17.

EXHIBIT K | August 15, 2026

From: [REDACTED]

To: MCSO Records; Calandra Elliott

Subject: Supplemental IPRA & Preservation Request - Unit 32 / Benally Body Camera - Case 2026-00010128

Supplemental request identifying Unit 32 / Sgt. Savannah Benally and requesting her recordings, metadata, audit information, and preservation.

Pursuant to the New Mexico Inspection of Public Records Act, I am requesting electronic copies of all body-worn camera recordings associated with MCSO Case No. 2026-00010128 involving MCSO Unit 32, Benally, on July 16, 2026.

The CAD records identify Unit 32 / Benally as responding to the scene and being "out with" Unit 49, Deputy Miguel Bittony, at approximately 7:01 a.m.

Based on MCSO personnel information, I believe Unit 32 was Sgt. Savannah Benally. If Unit 32 was assigned to another employee on July 16, 2026, please treat this request as applying to the actual officer assigned to Unit 32.

I am requesting the complete body-worn camera recording from Unit 32, including all available pre-event/buffered footage and audio, from the beginning of the officer's response through the conclusion of the officer's involvement.

Please also provide any associated:

- dash-camera video or audio
- photographs or other recordings
- supplemental reports or narratives
- field notes
- evidence/property records
- body-camera metadata and audit information

PRESERVATION REQUEST: Please immediately preserve all body-camera footage, dash-camera footage, audio, video, metadata, audit logs, and other electronic records associated with Unit 32's involvement in Case No. 2026-00010128. This request is intended to prevent deletion, overwriting, or destruction pursuant to any routine retention schedule.

I request electronic delivery. If the files are too large for email, please provide them through an electronic download or file-transfer link.

If any responsive recording was not created, has been deleted, overwritten, corrupted, or is otherwise unavailable, please identify the affected recording and provide any available records reflecting its creation status, retention history, deletion date, deletion reason, or audit history.

If any portion of the requested records is withheld or redacted, please identify the specific legal authority relied upon.

Please advise me of any charge before incurring it.

EXHIBIT L | August 17, 2026

From: Eric D. Jim, Chief Deputy <Eric.Jim@co.mckinley.nm.us>

To: [REDACTED] MCSO Records; Calandra Elliott

Subject: RE: Supplemental IPRA & Preservation Request - Unit 32 / Benally Body Camera - Case 2026-00010128

MCSO response stating it would 'search our records.'

[REDACTED]

I contacted the DA office for an update on the status of your case. I was told the case is still under review. I did request the DA to contact me with any updates on your case as soon as possible. As for additional information you requested, we will search our records and provide you with a response as soon as possible.

Eric D. Jim

Chief Deputy

McKinley County Sheriff's Office

EXHIBIT M | August 21, 2026

From: [REDACTED]

To: Calandra Elliott

Cc: Eric Jim; MCSO Records

Subject: Re: Urgent IPRA Records & Preservation Request - Sexual Assault Incident 2026-10128

Follow-up directed to Elliott seeking Benally records, identification of redaction/denial decisionmakers, and DA-transmission records.

Calandra,

To absolutely no one's surprise, it has now been another full week without answers, despite the number of people at MCSO who know this case involves a transient foreign national who has already left Gallup. I live over a thousand miles away. That does not mean I can be kept in the dark indefinitely.

At this point, I need direct answers to three very simple issues.

1. Sgt. Savannah Benally's records/body-worn camera

CAD shows Sgt. Savannah Benally was out with Deputy Bittony for approximately 41 minutes.

I was previously told there was no BWC footage. A week ago, I was also told there was nothing supplemental. Chief Deputy Eric Jim then told me on Monday, August 17 that MCSO would search its records and get back to me.

Either responsive records exist or they do not.

Please provide any BWC footage, supplemental report, notes, recordings, or other records associated with Sgt. Benally's involvement. If none exist, please state that plainly.

2. Identification of the persons responsible for the redaction/denial

Again, I understand that MCSO may claim a legal basis to withhold or redact particular information.

That does not eliminate the requirements governing a denial.

Under NMSA § 14-2-11(B)(2), the written denial must identify "the names and titles or positions of each person responsible for the denial."

Please provide the name and title or position of each person responsible for that denial.

3. When was Incident 2026-10128 actually sent to the District Attorney?

The timeline I have now been given is irreconcilable:

- August 14: Lisa at the District Attorney's Office told me they had no record of the matter.

- August 17: Leora indicated that the DA's Office had it.
- I have since been told that the matter was actually received by the DA's Office on August 3.

Meanwhile, MCSO previously told me in writing:

"Your case has been sent to the District Attorney's Office; they will be handling your case for future..."

So I am asking for the record, not another characterization of what happened.

Was Incident 2026-10128 actually transmitted to the District Attorney's Office?

If yes, please provide:

- the date and time it was transmitted;
- who transmitted it;
- the method of transmission;
- the recipient; and
- any record documenting that transmission or receipt, including a transmittal email, referral form, submission confirmation, receipt, audit log, or case-management entry.

If the District Attorney's Office actually received it on August 3, please explain why its staff reported on August 14 that there was no intake, case log, referral, or other record of the matter.

If it was not transmitted when MCSO represented to me that it had been, please explain why I was told in writing that it had been sent and that the District Attorney's Office would be handling my case going forward.

If the referral was merely pending or in an intake process, please identify when MCSO first transmitted it and when the DA actually received it.

Chief Deputy Jim told me on Monday that MCSO would search its records and contact the District Attorney's Office. It is now Friday, August 21, and I am still waiting for that promised clarification.

Please answer each of the three numbered issues above directly.

Thank you,

[REDACTED]

EXHIBIT N | August 21, 2026

From: Eric D. Jim, Chief Deputy <Eric.Jim@co.mckinley.nm.us>

To: [REDACTED]

Subject: RE: Urgent IPRA Records & Preservation Request - Sexual Assault Incident 2026-10128

MCSO's production/closure response. Produced-record attachments are not included in this packet.

Attachments in original message (not included here):

- DA report log_case review form.pdf (omitted)
- WG Audit Log.pdf (omitted)
- SavannahBenally_202607160714_BWC2006218-0[REDACTED].v1.mp4 (omitted)
- SavannahBenally_202607160713_27852G-1[REDACTED].v1.mp4 (omitted)

[REDACTED]

1 - Attached video

2 - This request was not denied only redacted under 14-2-1.2(a)(2) - Personal Identifiers. (approved by the Sheriff)

3 - Attached.

The answering of questions contained within your email needs to occur over a recorded phone call or in person. IPRA only addresses the inspection of public records which are attached.

We provided all responsive materials to this email and consider this request closed.

Eric D. Jim

Chief Deputy

McKinley County Sheriff's Office

EXHIBIT O | August 21, 2026

From: [REDACTED]

To: Eric Jim

Subject: Re: Urgent IPRA Records & Preservation Request - Sexual Assault Incident 2026-10128

Sent follow-up documenting the conflict with the earlier statement that no supplemental information existed.

Just confirming on record that this IS the supplement information that was claimed not to exist on 8/14.