



# STATE OF INDIANA

**MICHAEL R. PENCE, Governor**

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July 20, 2015

Mr. Mark Aaron Albrechtsen  
2230 Stafford Road, Suite 115  
Plainfield, Indiana 46168

*Re: Formal Complaint 15-FC-185; Alleged Violation of the Open Door Law by the Indianapolis Metropolitan Police Department*

Dear Mr. Albrechtsen,

This advisory opinion is in response to your formal complaint alleging the Indianapolis Metropolitan Police Department ("IMPD") violated the Indiana Open Door Law, Ind. Code § 5-14-1.5-1 *et. seq.* The City has responded to your complaint via Ms. Samantha DeWester, Esq., City Prosecutor. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on June 12, 2015.

## **BACKGROUND**

Your complaint dated June 12, 2015 alleges the IMPD violated the Open Door Law by taking final action at an executive session.

You allege in your complaint the IMPD Merit Board engaged in an Executive Session on May 12, 2015 to decide "whether or not patrol officer applicants would be hired or disqualified from employment with the Indianapolis Metropolitan Police Department."

IMPD responded to your complaint by stating an executive session was indeed held under a number of subsections pursuant to Ind. Code § 5-14-1.5-6, however, no final action was taken at that particular meeting. Any votes or decisions were made at a subsequent open meeting.

## **ANALYSIS**

The public policy of the Open Door Law states that "It is the intent of this chapter that the official action of public agencies be conducted and taken openly, unless otherwise expressly provided by statute, in order that the people may be fully informed." See Ind.



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Code § 5-14-1.5-1. The IMPD is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1).

An executive session is a non-public meeting and the only type of majority gathering which may be held behind closed doors. Ind. Code § 5-14-1.5-6.1 provides for certain exceptions to the general rule of public meetings. The IMPD Merit Board may meet for the meetings stated in its executive session notice; however, it may not make a decision behind closed doors. Any final action, vote or binding decision must be made at an open meeting where the public may observe and/or record. It appears that any decisions were made subsequent to the executive session and there is no indication a vote was taken behind closed doors.

## CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the IMPD did not violate the Open Door Law.

Regards,

A handwritten signature in black ink, appearing to read "LH Britt", written in a cursive style.

Luke H. Britt  
Public Access Counselor

Cc: Ms. Samantha DeWester, Esq.