



STATE OF INDIANA

MICHAEL R. PENCE, Governor

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July 22, 2015

Mr. Joshua Brown
P.O. Box 29274
Charlotte, NC 28212

Re: Formal Complaint 15-FC-190; Alleged Violation of the Access to Public Records Act by the Lake Station Police Department

Dear Mr. Brown,

This advisory opinion is in response to your formal complaint, which alleges the Lake Station Police Department (“Department”) violated the Access to Public Records Act (“APRA”), Ind. Code § 5-14-3-1 *et. seq.* The Department has not provided a response, despite an invitation from this office to do so on June 16, 2015. Pursuant to Ind. Code § 5-14-3-3, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on June 16, 2015.

BACKGROUND

Your complaint dated June 16, 2015 alleges the Lake Station Police Department (“Department”) violated the Access to Public Records Act by failing to provide the records you requested.

On March 24, 2015, you requested a copy of records relating to a December 2014 arrest. After no response, on May 20, 2015 you followed-up with a contact to the Department regarding your public records request. As of the date of the filing of your complaint, you have not received an acknowledgement of your request nor the production of documents.

ANALYSIS

The public policy of the APRA states that “(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information.” See Ind. Code § 5-14-3-1. The Lake Station Police Department is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the right to inspect and copy the Department’s disclosable public records during regular business



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hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14-3-3(a).

A request for records may be oral or written. See Ind. Code § 5-14-3-3(a); § 5-14-3-9(c). If the request is delivered by mail, email or facsimile and the agency does not respond to the request within seven days of receipt, the request is deemed denied. See Ind. Code § 5-14-3-9(b). A response from the public agency could be an acknowledgement that the request has been received and information regarding how or when the agency intends to comply.

Without benefit of a response from the Department, I cannot determine why or under what grounds you were denied access to the records requested. However, I will note APRA requires a public agency respond to a records request within seven (7) days and provide the records within a reasonable time. Neither of these has occurred.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Lake Station Police Department has violated the Access to Public Records Act.

Regards,

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

Luke H. Britt
Public Access Counselor