



STATE OF INDIANA

MICHAEL R. PENCE, Governor

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October 23, 2015

Ms. Crystal Dawn Petri
C/o Mr. Trent McCain, Esq.
5655 Broadway
Merrillville, Indiana 46410

Re: Formal Complaint 15-FC-258; Alleged Violation of the Access to Public Records Act by the City of Lake Station Police Department

Dear Ms. Petri and Counselor McCain,

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.* As of the writing of this opinion, the Department has not responded to this complaint, despite an invitation by this Office to do so on October 7, 2015. Pursuant to Ind. Code § 5-14-5-9, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on September 23, 2015.

BACKGROUND

Your complaint dated September 23, 2015 alleges the Lake Station Police Department violated the Access to Public Records Act for failing to acknowledge your request within seven (7) days.

On September 15, 2015, you requested audio recordings and dispatch reports from the Department for September 3, 2015 from 08:00 to 09:00. You also requested a complete roster of the officers on duty at that time. As of the filing of this complaint, you have not received a response.

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



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

Without the benefit of a response from the Department, I cannot determine whether there was a justification for withholding documents. A public agency is to cooperate with the Office of the Public Access Counselor in his investigation. See Ind. Code § 5-14-5-5. While I cannot compel an agency to produce records, it is my sincere hope this Opinion is received as a strong recommendation to the Department to do so.

CONCLUSION

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

Regards,

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

Luke H. Britt
Public Access Counselor