



# STATE OF INDIANA

MICHAEL R. PENCE, Governor

PUBLIC ACCESS COUNSELOR  
LUKE H. BRITT

Indiana Government Center South  
402 West Washington Street, Room W470  
Indianapolis, Indiana 46204-2745  
Telephone: (317)233-9435  
Fax: (317)233-3091  
1-800-228-6013  
[www.IN.gov/pac](http://www.IN.gov/pac)

April 23, 2015

Mr. Fabian S. White #109152  
Indiana State Prison  
One Park Row  
Michigan City, IN 46360

*Re: Formal Complaint 15-FC-99; Alleged Violation of the Access to Public Records Act by the Indiana State Police*

Dear Mr. White,

This advisory opinion is in response to your formal complaint alleging the Indiana State Police (ISP) violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* ISP has not responded despite an invitation to do so on March 23, 2015. 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 March 18, 2015.

## BACKGROUND

Your complaint dated March 2, 2015 alleges the Indiana State Police violated the Access to Public Records Act.

You indicate in your complaint you have been requesting a search warrant affidavit from ISP for three (3) years running. You do not, however, supplement your complaint with a recent request to ISP.

## 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.

Pursuant to Ind. Code § 5-14-5-7, the time for filing a formal complaint is within 30 days of the denial of the records. You indicate you have been refused the document for three



# STATE OF INDIANA

**MICHAEL R. PENCE, Governor**

**PUBLIC ACCESS COUNSELOR  
LUKE H. BRITT**

Indiana Government Center South  
402 West Washington Street, Room W470  
Indianapolis, Indiana 46204-2745  
Telephone: (317)233-9435  
Fax: (317)233-3091  
1-800-228-6013  
[www.IN.gov/pac](http://www.IN.gov/pac)

years and have not renewed your request recently. Therefore, you do not have standing to file a formal complaint with this Office.

## CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Indiana State Police has not violated the Access to Public Records Act.

Regards,

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

Luke H. Britt  
Public Access Counselor