



STATE OF INDIANA

ERIC J. HOLCOMB, Governor

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After receiving the formal complaint the confinement captain of the jail, Capt. Todd Fleece, wrote the Complainant on December 19, 2017 and conceded the letter portion of the correspondence should have been forwarded to the inmate. The jail standards mail policy was attached.

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 Indiana Code § 5-14-3-1*. The Grant County Sheriff is a public agency for the purposes of the APRA. *See Indiana Code § 5-14-3-2(n)*. Accordingly, any person has the right to inspect and copy the Sheriff's disclosable public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. *See Indiana Code § 5-14-3-3(a)*.

A request for records may be oral or written. *See Indiana Code § 5-14-3-3(a); § 5-14-3-9(c)*. If the request is delivered by mail or facsimile and the agency does not respond to the request within seven (7) days of receipt, the request is deemed denied. *See Indiana Code § 5-14-3-9(b)*. A response from the public agency could be an acknowledgement the request has been received and information regarding how or when the agency intends to comply.

This Office cannot speak to the mail security portion of the complaint. Each holding or correctional facility has security measures to protect the safety of its inmates and staff. As for the public records request, the Complainant did properly request the policy relating to those security standards as it pertains to inmate mail. While it should have been provided as an attachment to the December 19, 2016 email from the confinement captain, it was ultimately sent to Mr. Shepard within 30 business days of the original request. Although the document production was a result of a formal complaint being filed, the Complainant did receive the information requested. I believe the Sheriff was acting in good faith in answering your questions. However, in the future, my recommendation to the Sheriff is that a document be provided when asked instead of explaining it in an email.

Please do not hesitate to contact me with any questions.



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A handwritten signature in black ink, appearing to read "LH Britt".

Luke H. Britt
Public Access Counselor

Cc: Capt. Todd Fleece