

January 31, 2005

Mr. Tyrone Frazier
Indiana State Prison
P.O. Box 41
Michigan City, IN 46361

Re: Formal Complaint 04-FC-239; Alleged Violation of the Access to Public Records Act by the Indianapolis Police Department

Dear Mr. Frazier:

This is in response to your formal complaint alleging that the Indiana Police Department ("Department") violated the Access to Public Records Act by failing to respond to your request for records. I find that the Department did not violate the Access to Public Records Act.

BACKGROUND

You allege that you have requested disciplinary reports for three officers from the Department. You enclosed what appears to be an original handwritten request, dated December 10, 2004. When you filed the complaint on December 30, you alleged that the Department failed to send you copies of the reports.

I sent a copy of your complaint to the Indianapolis Police Department. Lt. John Conley responded in writing. He stated that his office has never received a request for records from you. He stated that his office typically processes many requests for records without incident or complaint. He further states that in reviewing your request, he believed that the reports you seek are disclosable records, and he enclosed a copy of the disciplinary reports for the three officers. I enclose a copy of Lt. Conley's response for your reference.

ANALYSIS

Any person may inspect and copy the public records of a public agency during the agency's business hours, unless the record is excepted from disclosure under section 4 of the Access to Public Records Act. Ind.Code 5-14-3-3(a). An agency that receives a request for

records is required to respond to the request within certain timeframes. Where the request is received by mail, an agency is required to respond within seven days of receipt of the request. IC 5-14-3-9(b).

Lt. Conley stated that the Department had not received your request. An agency is not required to respond to a request that it did not receive. You have not been able to demonstrate that your request was properly addressed and mailed with adequate postage. I cannot determine that the Department received your request and failed to respond. Therefore, in my opinion the Department did not violate the Access to Public Records Act.

In any case, the Department has fulfilled your request with its response to your complaint. The records you requested from the Indianapolis Police Department are enclosed.

CONCLUSION

For the foregoing reasons, I find that the Indianapolis Police Department did not violate the Access to Public Records Act.

Sincerely,

Karen Davis
Public Access Counselor

cc: Lt. John M. Conley