

April 5, 2006

Mark A. Jenkins
#963737
Pendleton Correctional Facility
P.O. Box 30
Pendleton, IN 46064

Re: Formal Complaint 06-FC-49; Alleged Violation of the Access to Public Records Act by the Vanderburgh County Sheriff

Dear Mr. Jenkins:

This is in response to your formal complaint alleging that the Vanderburgh County Sheriff ("Sheriff") violated the Access to Public Records Act by failing to respond to your request for a record.

BACKGROUND

You filed your formal complaint on March 2, 2006, alleging that as of the date of the complaint, March 1, 2006, you had received no reply to your February 12, 2006 request for the names, addresses, ages, and charges of anyone that was arrested and logged in the Vanderburgh County Jail from October 31, 2005 at 6:00 p.m. to November 1, 2005 at 6:00 p.m.

I sent a copy of your complaint to the Sheriff. Lt. Steve Bequette responded on behalf of the Sheriff. I have enclosed a copy of his letter for your reference. He stated that your February 13 request was received on February 21, 2006. In a letter dated February 21, the Sheriff notified you that he would provide the information. On February 23, the material was copied and mailed to you. The Sheriff received a letter from you dated March 2, advising that the information you had received did not include the addresses of those arrested. This inadvertent omission was rectified on March 6, when the additional information was mailed to you.

ANALYSIS

Any person may inspect and copy the public records of any public agency, except as provided in section 4 of the Access to Public Records Act (“APRA”). Ind. Code 5-14-3-3(a). If a public agency receives a request for a record via U.S. Mail or facsimile, the public agency is required to respond within seven calendar days, or the request is deemed denied. IC 5-14-3-9(b).

You allege a violation of the APRA because you allege that the Sheriff did not reply to your request. In fact, the Sheriff did reply in a timely manner to your mailed request, because the Sheriff issued a responsive letter to you the same day that he received your request, February 21, 2006. There is no question that the Sheriff intended to comply with your request for information regarding persons held in the Vanderburgh County Jail; his responsive letter so indicated. Moreover, compliance is mandated by Indiana Code 5-14-3-5(b).

The Sheriff admitted that the original record omitted the addresses for the individuals listed. This was an oversight of the Sheriff, and when the oversight was brought to his attention, the Sheriff rectified the matter by producing the report with the addresses included.

CONCLUSION

The Vanderburgh County Sheriff did not violate the Access to Public Records Act as alleged; the Sheriff responded well within the time allowed for response.

Sincerely,

Karen Davis
Public Access Counselor

cc: Lt. Steve Bequette