

May 24, 2007

Orza Salone
#944875
Indiana State Prison
P.O. Box 41
Michigan City, IN 46361

Re: Formal Complaint 07-FC-109; Alleged Violation of the Access to Public Records Act by the Kokomo Police Department

Dear Mr. Salone:

This is in response to your formal complaint alleging that the Kokomo Police Department (“Department”) violated the Access to Public Records Act by failing to respond to your March 20 request for police reports concerning two calls. I find that the Department failed to respond to your request in violation of the Access to Public Records Act, but has now provided the records that it maintains.

BACKGROUND

You allege that the Department failed to respond to your request for records. The Department sent a response to your April 26 complaint showing that on April 30 they sent you a letter enclosing certain documents and explaining the poor quality of the records. The Department also sent me a letter, which I enclose. The Department explained that it should have sent you a preliminary response explaining why it would take additional time to find the older records in the archives. The Department will work to ensure future notification will be sent in a timely manner.

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 in person or by telephone, the public agency is

required to respond within 24 hours or the record is deemed denied. IC 5-14-3-9(a). If the 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).

The Department admitted not sending a timely preliminary response to your request, and will strive to ensure that responses are sent even though the records may not be available for some time. I find that the Department did violate the Access to Public Records Act because the Act requires that a response be sent within seven days of receiving a mailed response. The Department has now provided what records are still maintained by the Department.

CONCLUSION

For the foregoing reasons, I find that the Kokomo Police Department violated the Access to Public Records Act.

Sincerely,

Karen Davis
Public Access Counselor

cc: Jonathan L. Mayes