

July 16, 2007

Sam Williams
#885684
Plainfield Correctional Facility
727 Moon Road
Plainfield, Indiana 46168-9400

Re: Formal Complaint 07-FC-162; Alleged Violation of the Access to Public Records Act by the Indiana Criminal Justice Institute

Dear Mr. Williams:

This is in response to your formal complaint alleging the Indiana Criminal Justice Institute ("ICJI") violated the Access to Public Records Act (APRA) (Ind. Code 5-14-3) by failing to respond to your request for records. A copy of the ICJI's response to your complaint is enclosed for your reference. I find that the ICJI's response was not timely under the statute but did not otherwise violate the APRA.

BACKGROUND

Your complaint alleges that on May 20, 2007 you requested by letter an application for federal funds for the juvenile accountability block grant program and a copy of the maximum stated amount of federal funds set and appropriated for each of the JABG 16 purpose areas under that block program. You filed a complaint on June 16, 2007, indicating you had not yet received a response.

In response to your complaint, the ICJI indicates it does not know the reason but your request was misplaced. The ICJI indicates it now has the information collected and ready to send to you.

ANALYSIS

Indiana Code 5-14-3-3(a) provides that any person may inspect and copy the public records of any public agency during the regular business hours of the agency, except as provided

in section 4 of APRA. A “public record” means any writing, paper, report, study, map, photograph, book, card, tape recording or other material that is created, received, retained, maintained or filed by or with a public agency. IC 5-14-3-2. A request for records may be oral or written. IC 5-14-3-3(a); 5-14-3-9(c). If the request is delivered by mail or facsimile, the agency must respond to the request within seven days of receipt. IC 5-14-3-9(b).

Your complaint alleges the ICJI did not respond to your request. The ICJI has provided an indication it is ready to send you the requested information. I assume the ICJI will now send that material to you with an invoice for copy costs. I would point out the ICJI should note your new address as listed at the top of this opinion; you contacted this office by letter received on July 9 indicating your change of address. While untimely under the statute, the ICJI is substantively responding to your request.

CONCLUSION

For the foregoing reasons, I find that the Indiana Criminal Justice Institute’s response was not timely under APRA. I further find that the response does not otherwise violate the statute, provided the ICJI does send you the information collected.

Best regards,

Heather Willis Neal
Public Access Counselor

cc: David Stewart, General Counsel, Indiana Criminal Justice Institute