

March 12, 2007

B.A. Corley
#940811
Indiana State Prison
Michigan City, IN 46361

Re: Formal Complaint 07-FC-35; Alleged Violation of the Access to Public Records Act by the LaPorte County Prosecutor's Office

Dear Mr. Corley:

This is in response to your formal complaint alleging that the LaPorte County Prosecutor's Office ("Office") violated the Access to Public Records Act by failing to respond to your request for records. I find that the Office did not violate the Access to Public Records Act.

BACKGROUND

You requested the Office's Ethics Handbook and the Office's Handbook on Policy Guidelines and Procedures. You claim that the Office has not responded to your request as of February 5, 2007.

The Office received a copy of your request and issued a letter to you on February 2, 2007. The Office advised that "there is no such book" for both requests. The Office also directed your attention to the Code of Professional Conduct and the parts of the Indiana Code containing law concerning the Prosecutor. The Office stated that the response was provided 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).

Although it is unclear when the Office received your request, there is no question that the Office sent a response to you that must have crossed in the mail with your formal complaint. The mail to and from the Facility is often slower than the usual three days that is assumed for most mail. Therefore, I suggest that the Prosecutor's office document when the records requests are received. In any event, the Office avers that it timely sent the response. The Office has clearly stated that the Handbooks you requested simply do not exist. In addition, the Office helpfully directed you to the statutes that concern the subjects of ethics for attorneys and the law concerning the Prosecutor's office.

CONCLUSION

For the foregoing reasons, I find that the LaPorte County Prosecutor's Office did not violate the Access to Public Records Act.

Sincerely,

Karen Davis
Public Access Counselor

cc: Robert J. Beckman