

April 2, 2007

Van Johnson
#923123
Indiana State Prison
P.O. Box 41
Michigan City, IN 46361

Re: Formal Complaint 07-FC-56; Alleged Violation of the Access to Public Records Act by the Madison County Prosecutor's Office

Dear Mr. Johnson:

This is in response to your formal complaint alleging that the Madison County Prosecutor ("Prosecutor's Office") violated the Access to Public Records Act by failing to respond to your request for various records. I find that the Prosecutor's Office violated the Access to Public Records Act when it failed to respond.

BACKGROUND

You requested various records related to State v. Johnson. You alleged that the Prosecutor's Office did not respond to your request.

I sent a copy of your complaint to the Prosecutor's Office. The response of the Prosecutor is enclosed, as is a copy of the letter that Mr. Patrick R. Ragains of the Prosecutor's Office sent to you belatedly. The Prosecutor's Office acknowledges that it did not respond, but has now done so.

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 Prosecutor's Office should have issued a response to your request within seven days of receiving it. The Prosecutor's Office has acknowledged that it received your request but had not responded by the time your complaint was filed. Therefore, the Prosecutor's Office violated the Access to Public Records Act.

However, by now you should have received the belated response of the Prosecutor's Office. I enclose another copy of the response.

CONCLUSION

For the foregoing reasons, I find that the Madison County Prosecutor's Office violated the Access to Public Records Act when it failed to issue a response to your records request within seven days of receiving it.

Sincerely,

Karen Davis
Public Access Counselor

cc: Patrick R. Ragains