

April 23, 2007

Joseph Williams-Bey  
#910763  
Indiana State Prison  
P.O. Box 41  
Michigan City, Indiana 46361-0041

*Re: Formal Complaint 07-FC-78; Alleged Violation of the Access to Public Records Act by the Elkhart Police Department*

Dear Mr. Williams-Bey:

This is in response to your formal complaint alleging that the Elkhart Police Department (“Department”) violated the Access to Public Records Act by omitting information from the daily log and by refusing to give you the arrest reports for four individuals. I find that the Department did not omit information that you had requested and also that the Department could withhold investigatory records of law enforcement.

#### BACKGROUND

This complaint follows the Department’s disclosure of records that were sent to you after I issued an opinion in your complaint #07-FC-19. The Department disclosed the daily log sheets concerning the four named individuals. You complain anew that the Department did not send the arrest reports. In addition, you point to parts of the daily log sheets that are blacked out, and you complain that the Department has omitted this information.

I sent a copy of your complaint to the Department. City attorney Lawrence J. Meteiver responded, a copy of which is attached. He stated that the disclosed material was in conformance with the opinion in 07-FC-19. I take this to mean that the Department disclosed the daily log information in lieu of the arrest reports, which were denied because they are investigatory records of law enforcement. In addition, the redacted material was not responsive to your request, because the material involved non-criminal matters such as ordinance violations, infraction citations, and victim reports.

## 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). An investigatory record of law enforcement may be withheld at the discretion of the agency. IC 5-14-3-4(b)(1). *See also Opinion of the Public Access Counselor 07-FC-19.* Therefore, the Department did not violate the Access to Public Records Act when it denied you the arrest reports because they are investigatory records of law enforcement.

The Department did provide information on a daily log. Included on the printouts was information that was not part of the arrest reports that you requested, including ordinance citations and infractions. The Department removed the material because the Department deemed it not responsive to your original request, which was for arrest reports. Accordingly, if you wish to have the information concerning ordinance and infraction violations, I recommend seeking those records from the Department. A request for a record must be stated with reasonable particularity. IC 5-14-3-3(a). The Department did not violate the APRA when it removed this information, although it is disclosable information. You simply did not request it.

## CONCLUSION

For the foregoing reasons, I find that the Elkhart Police Department did not violate the Access to Public Records Act.

Sincerely,

Karen Davis  
Public Access Counselor

cc: Lawrence J. Meteiver