

April 30, 2007

Ralph Hoover
128 S. Main St.
Monticello, IN 47960

Re: Formal Complaint 07-FC-86; Alleged Violation of the Access to Public Records Act by the Monticello Police Department

Dear Mr. Hoover:

This is in response to your formal complaint alleging that the Monticello Police Department (“Department”) violated the Access to Public Records Act by not responding to your request for records. I find that the Monticello Police Department did not respond to your request for records within 24 hours; therefore, the Department violated the Access to Public Records Act.

BACKGROUND

You hand-delivered a request for records to the Department on March 29, 2007. You filed a formal complaint on April 2 alleging that the Department failed to respond to your request.

The Department responded to your complaint. The written response is enclosed. The response alludes to the court matter before the White Superior Court, and the officer’s response to a separate Request for Production of Documents that you served on the Department in the court matter. The Department confirmed by telephone that the Department had not otherwise responded to your request.

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).

The Department admitted that it had not sent you a response to your APRA request within 24 hours. Therefore, the Department violated the Access to Public Records Act. This is so even though the Department provided a response to a Request for Production of Documents in the court matter. The Department is directed to the discussion of the requirements of APRA during ongoing court discovery in *Opinion of the Public Access Counselor 07-FC-83*. That opinion followed a complaint you filed against the White County Sheriff under similar circumstances.

CONCLUSION

For the foregoing reasons, I find that the Monticello Police Department violated the Access to Public Records Act by failing to respond to your request for records within 24 hours.

Sincerely,

Karen Davis
Public Access Counselor

cc: Chief James C. Reynolds