

May 16, 2007

Orza J. Salone
#944875
Indiana State Prison
P.O. Box 41
Michigan City, IN 46361

Re: Formal Complaint 07-FC-98; Alleged Violation of the Access to Public Records Act by the Howard County Sheriff

Dear Mr. Salone:

This is in response to your formal complaint alleging that the Howard County Sheriff ("Sheriff") violated the Access to Public Records Act ("APRA") by failing to respond to your request for records. I find that the Howard County Sheriff should have responded to your request within seven days.

BACKGROUND

You state that you mailed to the Howard County Sheriff's Criminal Justice Center a request for information about you while you were at the Center from October 1993 to July 1994. The records you requested included booking information, correspondence, and a record of attorney-client visits, among other things.

The Sheriff responded to your complaint by enclosing a copy of a letter sent to you on April 17 advising you that there are responsive records and with the payment of a copying fee, the records will be mailed to you.

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 Sheriff has not addressed whether he received your March 26 request. If the Sheriff received your request and failed to respond to it within seven days, the Sheriff violated the Access to Public Records Act. Now that the Sheriff has received the complaint, the Sheriff has compiled all responsive records and is making them available to you.

CONCLUSION

For the foregoing reasons, I find that the Howard County Sheriff violated the Access to Public Records Act if he failed to issue a response to your request for records within seven days. The Sheriff has now responded to your request.

Sincerely,

Karen Davis
Public Access Counselor

cc: Tammy Baldwin