



# STATE OF INDIANA

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September 23, 2010

Mr. Thomas W. Blessing  
612 E. Market St.  
Indianapolis, IN 46202

*Re: Formal Complaint 10-FC-191; Alleged Violation of the Access to  
Public Records Act by the Vigo County Sheriff's Office*

Dear Mr. Blessing:

This is in response to your formal complaint alleging the Vigo County Sheriff's Office ("Sheriff") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et seq.* A copy of the Sheriff's response to your complaint is enclosed for your reference.

## BACKGROUND

In your complaint, you allege that you sent a public records request to the Sheriff via certified mail on August 3, 2010. A tracking receipt showed that the request was received the next day. As of August 19th, the Sheriff had not responded to your request.

In response to your complaint, Vigo County Attorney Michael J. Wright sent my office a copy of a letter that he also sent to you. In that letter, Mr. Wright informed you that the Sheriff located information related to your request and invited you to contact him to arrange for a time to inspect it. Mr. Wright also offered you the opportunity to download the video onto a flash drive if you so desired.

## ANALYSIS

The public policy of the APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information." I.C. § 5-14-3-1. The Sheriff is a public agency for the purposes of the APRA. I.C. § 5-14-3-2. Accordingly, any person has the right to inspect and copy the Sheriff's public records during regular business hours unless the records are excepted from disclosure as confidential or nondisclosable under the APRA. I.C. § 5-14-3-3(a).

A request for records may be oral or written. I.C. §5-14-3-3(a); §5-14-3-9(c). If the request is delivered by mail or facsimile and the agency does not respond to the request within seven (7) days of receipt, the request is deemed denied. I.C. §5-14-3-9(b). If the request is delivered in person and the agency does not respond within 24 hours, the request is deemed denied. I.C. §5-14-3-9(a). When the request is made in writing and the agency denies the request, the agency must deny the request in writing and must include a statement of the specific exemption or exemptions authorizing the withholding of all or part of the record and the name and title or position of the person responsible for the denial. I.C. § 5-14-3-9(c). Thus, if the Sheriff failed to respond to your mailed request within seven (7) days, the Sheriff violated the APRA.

It is my understanding that the Sheriff has located responsive records and has offered to make those available to you for inspection and copying. I trust this satisfies your complaint.

#### CONCLUSION

For the foregoing reasons, the Sheriff violated the APRA if it failed to respond to your request within seven (7) days of receiving it. However, the Sheriff did not otherwise violate the APRA.

Best regards,



Andrew J. Kossack  
Public Access Counselor

cc: Michael J. Wright