



STATE OF INDIANA

MICHAEL R. PENCE, Governor

PUBLIC ACCESS COUNSELOR
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September 15, 2014

Mr. Eric D. Smith #112675
727 Moon Road
Plainfield, IN 46168

Re: Formal Complaint 14-FC-181; Alleged Violation of the Access to Public Records Act by the Shelby County Sheriff's Department

Dear Mr. Smith,

This advisory opinion is in response to your formal complaint alleging the Shelby County Sheriff's Department ("Sheriff") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The Sheriff has responded to your complaint via Major David Tilford. His response is enclosed for your review. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on August 18, 2014.

BACKGROUND

Your complaint dated August 12, 2014, alleges the Shelby County Sheriff's Department violated the Access to Public Records Act by delaying the production records responsive to your request.

On or about July 31, 2014, you submitted a public records request to the Sheriff seeking a police report for a named individual. As of the particular day of your complaint, you had not received an acknowledgement of your request.

The Sheriff responded to your formal complaint explaining they received your request on August 1, 2014 and sent an acknowledgement on August 6, 2014.

ANALYSIS

The public policy of the APRA states that "a (p) roviding person 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." See Ind. Code § 5-14-3-1. The Shelby County Sheriff's Department is a public agency for the

purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the right to inspect and copy the Department's public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14-3-3(a).

Based on prior complaints, this Office is familiar with the logistical challenges of sending and receiving offender mail from DOC institutions. Expediency is a natural consequence of security measures and protocols. Judging from the timeline provided by both parties, the delay is not inconsistent with similar situations. It is more than likely the Sheriff mailed, but you did not receive, the response until after the filing of your complaint. In any case, you have been provided the acknowledgment and instructions on how to proceed.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor that the Shelby County Sheriff's Department did not violate the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read 'LH Britt', written in a cursive style.

Luke H. Britt
Public Access Counselor

Cc: Major David Tilford