



STATE OF INDIANA

MICHAEL R. PENCE, Governor

**PUBLIC ACCESS COUNSELOR
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September 21, 2016

Mr. Maurice L. Knight - #903491
Pendleton Correctional Facility
4490 West Reformatory Road
Pendleton, Indiana 46064

Re: Formal Complaint 16-FC-211; Alleged Violation of the Access to Public Records Act by the Marion Police Department

Dear Mr. Knight:

This advisory opinion is in response to your formal complaint alleging the Marion Police Department ("MPD") violated the Access to Public Records Act ("APRA"), Indiana Code § 5-14-3-1 et. seq. Ms. Kayla Butche, of the MPD responded. Pursuant to Indiana 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 22, 2016.

BACKGROUND

Your complaint dated August 16, 2016, alleges the Marion Police Department violated the Access to Public Records Act by not fulfilling your records request. You submitted a public records request to MPD for transcripts of a 911 call and statements of responding officers. On August 10, 2016, Ms. Butche of the MPD denied your request citing the investigatory records exception.

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

You allege the Department did not provide you with the records you requested. The Department informed you in its denial, it chooses to invoke the investigatory records exemption under Indiana Code

§ 5-14-3-4(b)(1). Investigatory records of law enforcement agencies may be withheld or released at the discretion of the agency. The Department informed you of the specific exemption, therefore its denial was proper.

CONCLUSION

Based on the forging, it the opinion of the Public Access Counselor the Marion Police Department did not violate the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read 'LHB', with a long horizontal stroke extending to the left.

Luke H. Britt
Public Access Counselor

Cc: Ms. Kayla Butche