



STATE OF INDIANA

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March 17, 2015

Clay M. Howard
5501 S. 1100 W.
Westville, IN 46391

Re: Formal Complaint 15-FC-56; Alleged Violation of the Access to Public Records Act by the Lafayette Police Department, Ms. Annette Lancaster

Dear Mr. Howard,

This advisory opinion is in response to your formal complaint alleging the Lafayette Police Department (“Department”) violated the Access to Public Records Act (“APRA”), Ind. Code § 5-14-3-1 *et. seq.* The Department has responded via Ms. Stacey Mabbitt, Chief Records Technician. Her 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 February 12, 2015.

BACKGROUND

Your complaint dated February 5, 2015 alleges the Lafayette Police Department (“Department”) violated the Access to Public Records Act by improperly charging a copy fee in violation of Ind. Code § 5-14-3-3(b).

On January 27, 2015, you submitted to the Department a public records request seeking copies of police reports. In response, Ms. Annette Lancaster sent you a letter informing you of a copy fee of five dollars (\$5.00). You contend this fee is improper.

The Chief Records Technician for the Department responded to your formal complaint and explained certification of copies is set for \$5.00 per city ordinance. Non-certified copies are the usual \$.10 per page.

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. Lafayette Police Department is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). 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).

It appears as if the January 27, 2015 request has been fulfilled, however, you take exception with the fee charged - \$5.00 for one report. Ind. Code § 5-14-3-8 sets the fee schedule for black and white copies at \$.10 per page. However, Ind. Code § 5-14-3-8(d) sets the maximum fee for certification of documents at five dollars (\$5.00) per document. This would indicate you requested one certified copy.

While the fee for accident reports begins at \$5.00 (see Ind. Code § 9-29-11-1), incident reports should only be \$.10 per page unless certified. The Department has invited you to remit the \$.10 per page copy fee associated with your request and they will produce the records to you.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Lafayette Police Department has not violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read 'LH Britt', with a long horizontal flourish extending to the left.

Luke H. Britt
Public Access Counselor

Cc: Ms. Stacey Mabbitt