



STATE OF INDIANA

MICHAEL R. PENCE, Governor

PUBLIC ACCESS COUNSELOR
LUKE H. BRITT

Indiana Government Center South
402 West Washington Street, Room W470
Indianapolis, Indiana 46204-2745
Telephone: (317)233-0906
Fax: (317)233-3091
1-800-228-6013
www.IN.gov/pac

November 4, 2015

Mr. Robert Murphy - #142583
Indiana State Prison
1 Park Row
Michigan City, Indiana 46360

Re: Formal Complaint 15-FC-252; Alleged Violation of the Access to Public Records Act by the Indiana State Police Laboratory

Dear Mr. Murphy,

This advisory opinion is in response to your formal complaint alleging the Indiana State Police Laboratory ("ISP") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The Lab has responded to your complaint via Mr. Ryan Locke, Esq., Legal Counsel for the Indiana State Police. 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 September 18, 2015.

BACKGROUND

Your complaint dated September 15, 2015 alleges the Indiana State Police Laboratory violated the Access to Public Records Act by denying you access to public records.

On August 28, 2015 you requested a lab report/file. The request was denied under the investigatory records exemption pursuant to Ind. Code 5-14-3-4(b)(1). However, you contend this file must be made available for inspection under Ind. Code § 5-14-3-5(c), the statute which mandates a daily log for some law enforcement activities.

On September 30, 2015, Mr. Ryan Locke, Esq., responded. Mr. Locke notes the record you requested is not a daily log or arrest information and he provides some suggestions for alternative avenues for obtaining the information through the judicial system.

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



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of public officials and employees, whose duty it is to provide the information.” See Ind. Code § 5-14-3-1. The Indiana State Police Laboratory is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(m)(1). Accordingly, any person has the right to inspect and copy the ISP’s disclosable 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).

In its original denial, ISP asserted the investigative exemption. You do not deny the general applicability of this exemption; you merely contend this specific record is not included. However, lab reports are not mentioned in Ind. Code § 5-14-3-5(c) and are information compiled in the course of a crime. They are not the type of information typically required to be contained in initial runs or responses under the daily log statute. Therefore the denial was proper.

CONCLUSION

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

Regards,

A handwritten signature in black ink, appearing to read "LH Britt", with a long, sweeping underline.

Luke H. Britt
Public Access Counselor

Cc: Mr. Ryan Locke, Esq.