

February 14, 2007

Joseph T. Williams-Bey  
#910763  
Indiana State Prison  
P.O. Box 41  
Michigan City, IN 46361

*Re: Formal Complaint 07-FC-20; Alleged Violation of the Access to Public Records Act by the Elkhart County Sheriff's Work Release Program*

Dear Mr. Williams-Bey:

This is in response to your formal complaint alleging that the Elkhart County Sheriff's Work Release Program ("Sheriff") violated the Access to Public Records Act by refusing to reply to your request for your file concerning the period July 2002 to the present. I find that the Sheriff was required to issue a response within seven days from the date the Sheriff received your mailed request.

#### BACKGROUND

You sent a request to the Sheriff dated January 2, 2007. You do not state when you mailed your request. The Sheriff sent a response to your complaint that the Sheriff did not reply. In his response, Kris Klosinski, Manager for Work Services, stated that you were a participant in the Work Release Program from July 3, 2002 to December 6, 2002. A copy of your entire file was mailed to you on January 16, 2007, at the address you provided.

#### ANALYSIS

Any person may inspect and copy the public records of any public agency, except as provided in section 4 of the Access to Public Records Act ("APRA"). Ind. Code 5-14-3-3(a). If a public agency receives a request for a record via U.S. Mail or facsimile, the public agency is required to respond within seven calendar days, or the request is deemed denied. IC 5-14-3-9(b).

If you mailed your request on January 2, the Sheriff may have received it on or around January 5, leaving three days for mailing. The Sheriff's response should have been sent no later than January 12, 2007. I cannot tell from the information before me whether the Sheriff failed to respond within seven days, but the Sheriff's response does not say that an initial response was sent prior to the records being sent on January 16, 2007. If the Sheriff did not respond within seven days from the date that the Sheriff received your records request, the Sheriff violated the Access to Public Records Act.

The Sheriff has indicated that the records you requested were sent to you on January 16, 2007.

#### CONCLUSION

For the foregoing reasons, I find that the Elkhart County Sheriff's Work Release Program was required to respond within seven days of receiving your request for records. If the Sheriff did not timely respond, the Sheriff violated the Access to Public Records Act.

Sincerely,

Karen Davis  
Public Access Counselor

cc: Kris Klosinski