

April 27, 2005

Mr. Chester Wilms  
D.O.C. #943-594  
Wabash Valley Correctional Facility  
P.O. Box 500  
Carlisle, IN 47838

*Re: Formal Complaint 05-FC-59; Alleged Violation of the Access to Public Records Act by the Wabash Valley Correctional Facility*

Dear Mr. Wilms:

This is in response to your formal complaint alleging that the Wabash Valley Correctional Facility violated the Access to Public Records Act by failing to respond to your request. I find that the Facility did not violate the Access to Public Records Act.

#### BACKGROUND

You are seeking information in a record regarding a coat, because you were subjected to disciplinary action because of the condition of the coat. You claim that the Facility failed to respond within seven days of your request. Your specific complaint is against the “clothing department, level 4,” and that is the department that you requested the documentation from.

In response to your complaint, Public Information Officer Rich Larsen stated that you did not submit a record request, since all record requests are to be submitted to the facility through him, in accordance with Policy 00-03-101.

#### ANALYSIS

Any person may inspect and copy the public records of a public agency during the agency’s regular business hours, except as provided in section 4 of the Access to Public Records Act. Ind. Code 5-14-3-3(a). An agency may require that a request for records be submitted on or in a form provided by the agency for such requests. IC 5-14-3-3(a)(2). A public agency is required to respond to requests for records in a timely manner. For requests received by U.S.

Mail or facsimile, the agency is required to respond within seven (7) days of receipt of the request. IC 5-14-3-9(b).

Because you are subject to rules and regulations of the Facility, in my opinion it is not a denial of access for the Facility to require you to submit your request for records in a certain manner and to a certain person. According to long-standing Facility policy, which you have been made aware of, you are required to submit a request for records to the Facility's public information officer on a specific form if you are requesting a record from any department of the Facility. The request will be processed, and any disclosable records would be made available to you. I recommend that you submit your request to Rich Larsen in accordance with Facility policy.

#### CONCLUSION

For the foregoing reasons, I find that the Wabash Valley Correctional Facility has not violated the Access to Public Records Act.

Sincerely,

Karen Davis  
Public Access Counselor

cc: Rich Larsen