



# STATE OF INDIANA

MITCHELL E. DANIELS, JR., Governor

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July 7, 2011

Mr. Gregory D. Sobin  
DOC # 113650  
P.O. Box 1111  
Carlisle, IN 47838

*Re: Formal Complaint 11-FC-161; Alleged Violation of the Access to Public Records Act by the Monroe County Sheriff*

Dear Mr. Sobin:

This advisory opinion is in response to your formal complaint alleging the Monroe County Sheriff ("Sheriff") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et seq.* The Sheriff's response is enclosed for your reference. I note that I have granted your request for priority status under 62 Ind. Admin. Code 1-1-3(3).

## BACKGROUND

In your complaint, you allege that the Sheriff violated the APRA by denying your request for access to a booking photo, arrest reports, and incident reports relating to Jack McArdle III. You argue that the Sheriff's "denial of [your] request due to [your] being an offender is not even in accordance with [the APRA]."

The Sheriff's Legal Deputy, A. Howard Williams, responded on behalf of the Sheriff. Mr. Williams states that because you are an inmate of the Department of Correction ("DOC"), you are subject to the DOC's rules and regulations. When the Sheriff received your request, the Sheriff contacted the DOC, which informed the Sheriff that offenders are not permitted to obtain information on other offenders per 210 Ind. Admin. Code 1-6-2(3)(A) through (C). Mr. McArdle is also an offender housed by the DOC. The DOC also informed the Sheriff that you are held in "long term segregation," and that releasing the requested information would compromise the safety and security of a DOC facility. Mr. Williams adds that "the information in McArdle's file could be used to facilitate inmate on inmate violence, witness intimidation, blackmail, identity theft and a host of other villainous activities."

## ANALYSIS

The APRA permits public agencies to withhold records requested by an offender that “concern or could affect the security of a jail or correctional facility.” I.C. § 5-14-3-4(b)(23)(B). After consulting with the DOC regarding your request, the Sheriff concluded that releasing the requested information could compromise the security of a DOC facility due to the fact that both you and the subject of the request are housed in DOC facilities. In my opinion, the Sheriff has articulated a reasonable basis for denying your request under subsection 4(b)(23)(B) of the APRA.

## CONCLUSION

For the foregoing reasons, it is my opinion that the Sheriff did not violate the APRA.

Best regards,

A handwritten signature in black ink that reads "Andrew J. Kossack". The signature is written in a cursive, slightly slanted style.

Andrew J. Kossack  
Public Access Counselor

cc: A. Howard Williams