



STATE OF INDIANA

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August 8, 2014

Mr. Jeremy L. Miles
215 North Walnut St. #7
Harrison, OH 45030

Re: Formal Complaint 14-FC-145; Alleged Violation of the Access to Public Records Act by the Connersville Police Department

Dear Mr. Miles,

This advisory opinion is in response to your formal complaint alleging the Connersville Police Department ("CPD") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The CPD has not responded to your complaint despite an invitation to do so on July 14, 2014. 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 July 14, 2014.

BACKGROUND

Your complaint dated July, 2014, alleges the Connersville Police Department violated the Access to Public Records Act by not responding to your public records request.

You allege on June 16, 2014 your hand-delivered a public records request to the CPD seeking records related to a traffic stop. As of the filing of your complaint on July 14, 2014, you had not received a response.

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 of public officials and employees, whose duty it is to provide the information." See Ind. Code § 5-14-3-1. The Connersville Police Department is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the right to inspect and copy the CPD'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).

A request for records may be oral or written. See Ind. Code§5-14-3-3(a);§5-14-3-9(c). If the request is delivered in person and the agency does not respond within 24 hours, the request is deemed denied. See Ind. Code§5-14-3-9(a). If the request is delivered by mail or facsimile and the agency does not respond to the request within seven (7) days of receipt, the request is deemed denied. See Ind. Code§5-14-3-9(b). A response from the public agency could be an acknowledgement the request has been received and information regarding how or when the agency intends to comply.

Because your request was hand-delivered, the CPD would have had 24 hours to respond. By failing to do so, your request is deemed denied. Upon denial, an agency has the obligation to justify in writing the reason for your denial. See Ind. Code§5-14-3-9. By neglecting to do so, they have violated the APRA. An agency is also required to cooperate with investigations of the Public Access Counselor in the formal complaint process pursuant to Ind. Code§5-14-5-5. They have declined to do so.

CONCLUSION

For the foregoing reasons, it is the Opinion of the Public Access Counselor that the Connersville Police Department has violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read 'L. H. Britt', with a large, sweeping flourish underneath.

Luke H. Britt
Public Access Counselor