



STATE OF INDIANA

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November 4, 2014

Mr. John E. Turner #880245
Pendleton Correctional Facility
4490 W. Reformatory Rd.
Pendleton, IN 46064

Re: Formal Complaint 14-FC-237; Alleged Violation of the Access to Public Records Act by the Indianapolis Metropolitan Police Department

Dear Mr. Turner,

This advisory opinion is in response to your formal complaint alleging the Indianapolis Metropolitan Police Department ("IMPD"), violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* IMPD has responded to your complaint via Corporation Counsel, Ms. Samantha DeWester, Esq. Her 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 October 8, 2014.

BACKGROUND

Your complaint dated October 8, 2014, alleges the Indianapolis Metropolitan Police Department violated the Access to Public Records Act (IC 5-14-3) by improperly denying you access to records.

On or about September 17, 2014, you submitted a public records request to IMPD seeking records related to the shift of a named detective on a given date. The IMPD responded to your formal complaint arguing the records you seek are personnel records - the release of which is discretionary. It also claims your request is not reasonably particular.

ANALYSIS

The public policy of the APRA states that "a (p)roviding person 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 Indianapolis Metropolitan Police Department is a public agency for

the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Any person has the right to inspect and copy IMPD'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).

The first part of your request seeks the following:

The assigned police vehicle unit which as assigned and used by [named officer] on October 22, 2007.

While this request is reasonably specific, it appears to be a question and not a request for any specific public record. It is basically a question; the APRA does not contemplate public officials' obligation to answer questions.

The remainder of your request seeks work schedules, time sheets, work logs and unit numbers of a named law enforcement employee. Ind. Code § 5-14-3-4(b)(8)(A) states that the release of such records are discretionary:

Personnel files of public employees and files of applicants for public employment, except for:

- (A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

Therefore, all other information intended to be part of a personnel file (the records you seek appear to all be part of an intended personnel file) may be withheld if the agency chooses to do so.

CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Indianapolis Metropolitan Police Department has not violated the Access to Public Records Act.

Regards,



Luke H. Britt
Public Access Counselor

Cc: Ms. Samantha DeWester, Esq.