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**OPINION OF THE PUBLIC ACCESS COUNSELOR**

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PAUL A. GRABER,  
*Complainant,*

v.

BREMEN POLICE DEPARTMENT,  
*Respondent.*

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Formal Complaint No.  
17-FC-140

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Luke H. Britt  
Public Access Counselor

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BRITT, opinion of the Counselor:

This advisory opinion is in response to a formal complaint alleging the Bremen Police Department (“Department”) violated the Access to Public Records Act (“APRA”). Ind. Code §§ 5-14-3-1-10. The Department responded by and through Counsel Anthony J. Wagner on June 30, 2017. The response is enclosed for review. In accordance with Indiana Code § 5-14-5-10, I issue the following opinion to the formal complaint received by the Office of the Public Access Counselor on July 2, 2017.

## **BACKGROUND**

The Complainant, Mr. Graber, contends that the Bremen Police Department violated APRA by failing to respond to his public records request.

On or about January 20, February 8 and March 11, 2017, the Complainant submitted a series of requests for documents. These requests were not conspicuously marked as public records requests but rather were labeled with superfluous pomposity and peppered with grandiose legalese and confusing rhetoric. These requests are filled with the kind of syntax reminiscent of that favored by self-proclaimed *sovereign citizens*. The Department did not respond to the requests.

The Department acknowledges that the documents were received, but overlooked due to their obfuscating jargon. After the requests were scrutinized, pursuant to the formal complaint, documents responsive to the complaint were forwarded to the Complainant.

## **ANALYSIS**

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.” Ind. Code § 5-14-3-1. The Bremen Police Department is a public agency under APRA. *See* Ind. Code § 5-14-3-2(n). So, any person has the right to inspect and copy the Department’s disclosable public records during regular business hours unless the records are protected from disclosure as

confidential or otherwise exempt under the APRA. Ind. Code § 5-14-3-3(a).

To the extent possible, all records responsive to the Complainant's request have since been forwarded.

For future reference, in order to respond appropriately to a public records request, a public agency must be on notice that a request was received at all. A request should be—to a reasonable degree—precise, concise, and free from unnecessary terminology and ceremony. Otherwise it may be mistaken for gibberish and discarded or dismissed, and rightfully so.

### **CONCLUSION**

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



Luke H. Britt  
Public Access Counselor