# **STATE OF INDIANA**



**ERIC J. HOLCOMB, Governor** 

#### PUBLIC ACCESS COUNSELOR LUKE H. BRITT

Indiana Government Center South 402 West Washington Street, Room W470 Indianapolis, Indiana 46204-2745 Telephone: (317)234-0906 Fax: (317)233-3091 Toll Free:1-800-228-6013 Email: pac@in.gov/opac Website: www.IN.gov/pac

### **OPINION OF THE PUBLIC ACCESS COUNSELOR**

O'SHUN GRACE,	)
Complainant	)
v.	) ) 17-FC-86
INDIANAPOLIS METROPOLITAN	)
POLICE DEPARTMENT	)
Respondent	)

#### ADVISORY OPINION May 26, 2017

This advisory opinion is in response to the formal complaint alleging the Indianapolis Metropolitan Police Department ("IMPD") violated the Access to Public Records Act ("APRA"), Indiana Code § 5-14-1.5-1 et. seq. The IMPD has responded via Ms. Melissa L. Coxey, Assistant Corporation Counsel. The response is enclosed for review. Pursuant to 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 April 17, 2017.

#### BACKGROUND

The formal complaint dated April 12, 2017, alleges the IMPD violated the APRA by denying access to records requested.

On June 4, 2016, IMPD received a request for a copy of an investigative report from 1996. An initial search did not prove successful for documents responsive to the request. After contacting data support, screen captures of the reports were able to be printed. IMPD has attached the documents to its response.

#### ANALYSIS



## **STATE OF INDIANA**

**ERIC J. HOLCOMB, Governor** 

#### PUBLIC ACCESS COUNSELOR LUKE H. BRITT

Indiana Government Center South 402 West Washington Street, Room W470 Indianapolis, Indiana 46204-2745 Telephone: (317)234-0906 Fax: (317)233-3091 Toll Free:1-800-228-6013 Email: pac@in.gov/opac Website: www.IN.gov/pac

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 Indiana Code §* 5-14-3-1. The Indianapolis Metropolitan Police Department is a public agency for the purposes of the APRA. *See Indiana Code §* 5-14-3-2(*n*). Accordingly, any person has the right to inspect and copy the IMPD's disclosable public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. *See Indiana Code §* 5-14-3-3(*a*).

It appears as if the documents requested have now been provided to the Complainant through the formal complaint process. As for retention of the documents themselves, please be advised that the Indiana Archives and Records Administration has now published a new public safety retention schedule for police and sheriff departments in Indiana. It can be accessed at <u>www.in.gov/iara</u>.

#### 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. Melissa Coxey