

April 9, 2008

Ronald Partridge
Assistant Chief of Police
Fort Wayne Police Department
1320 East Creighton Avenue
Fort Wayne, Indiana 46803

Re: Your informal inquiry

Dear Mr. Partridge:

In response to your informal inquiry received March 26, 2008 and pursuant to Ind. Code § 5-14-4-10(5), I issued an informal opinion dated March 31, 2008. I received from you a follow-up letter dated April 3. We spoke by telephone yesterday, and I write today to reiterate my opinion of March 31, further explained during our call yesterday.

To summarize, it is my opinion the Fort Wayne Police Department must provide to any person who requests it access to inspect crash reports created by the Department and sent to the state reporting system. Both *Opinion of the Public Access Counselor 07-FC-27* and *Opinion of the Public Access Counselor 07-FC-224* relate to this issue. How the Department provides access for inspection is an administrative matter for you to determine, so long as the procedure does not contravene the inspection requirements of the APRA.

To clarify, it is not my opinion the Department must provide access to inspect crash reports generated by other police departments and sent to the state reporting system. Those reports would not be public records of the Fort Wayne Police Department since they were/are not created, received, retained, maintained, or filed by or with the Department. (*See I.C. § 5-14-3-2(m), defining "public record."*)

While I understand the Department's concerns about the personnel and financial resources required to provide access to the crash reports, those concerns do not negate the rights of the public to inspect public records at no charge, as provided in the APRA.

Finally, in response to your question whether this office was consulted before the Indiana State Police implemented the new crash report system, I do not know. I was appointed to this post on July 1, 2007, and it is my understanding the system was implemented before that date. I

find no records in this office that would lead me to believe the former counselor was contacted regarding the implementation of the new system. In answer to your question related to what authority I would have to cause the Indiana State Police to reconsider or change the system or reporting requirements, the public access counselor has no such authority. As I have indicated, though, I will report this issue to the General Assembly in my annual report, due to the General Assembly by June 30, 2008.

Please do not hesitate to contact us if we can provide further assistance.

Best regards,

A handwritten signature in cursive script that reads "Heather Willis Neal".

Heather Willis Neal
Public Access Counselor