



STATE OF INDIANA

MICHAEL R. PENCE, Governor

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July 29, 2015

Mr. Michael K. Sutherlin
1029 N. Alabama Street
Indianapolis, Indiana 46202

Re: Formal Complaint 15-FC-199; Alleged Violation of Access to Public Records Act by the Indiana Department of Corrections

Dear Mr. Sutherlin,

This advisory opinion is in response to your formal complaint alleging the Indiana Department of Corrections Jail Inspector (“DOC”); violated the Access to Public Records Act (“APRA”), Ind. Code § 5-14-3-1 *et. seq.* The IDOC has responded to your complaint via Mr. Robert Bugher, Esq., Chief Counsel. 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 June 26, 2015.

BACKGROUND

Your complaint, dated June 26, 2015, alleges the Indiana Department of Correction violated the Access to Public Records Act by denying you copies of requested records.

In January and then March, 2015, you requested inspection records for the Rush County Jail for the past four years from DOC Jail Inspector Kenneth Whitker. This was after you were made privy to the records in the past. You were refused the records.

DOC responded to your formal complaint, however, and indicated the records were forthcoming, pending a review for any security issues.

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 Indiana Department of Correction is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the



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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. See Ind. Code § 5-14- 3-3(a).

To the extent the records may be partially redacted for security purposes (see Ind. Code § 5-14-3-4(b)(10)), you are entitled to the jail inspection records upon request. Your complaint appears to have prompted DOC to revise its initial denial. It is my sincere hope you have already obtained the records you seek.

Regards,

A handwritten signature in black ink, appearing to read "LH Britt", written in a cursive style.

Luke H. Britt
Public Access Counselor

Cc: Robert D. Bugher, Esq.