

December 8, 2004

Mr. Keith Ware
P.O. Box 41
Michigan City, IN 46361

Re: Formal Complaint 04-FC-210; Alleged Violation of the Access to Public Records Act by the Gary Police Department

Dear Mr. Ware:

This is in response to your formal complaint alleging that the Gary Police Department (“Department”) violated the Access to Public Records Act by not responding to your request for records. I find that the Gary Police Department did not respond to your request for records, and therefore violated the Access to Public Records Act.

BACKGROUND

You submitted a written request for records to the Gary Police Department’s “Records Bureau” on October 18, 2004. Specifically, you requested two items: 1) a copy of any and all police investigative reports dealing with or related to case No. 34-16570; and 2) a copy of various witness statements related to that case. When you did not receive a response, you filed a formal complaint, which this office received on November 9, 2004. I sent a copy of your complaint to the Gary Police Department. Although I did not receive a written response, this office conferred with Sgt. Harris by telephone. Sgt. Harris admitted that the Department did not respond to your request. He also stated that the documents you seek date back to 1994, and he was attempting to locate them.

ANALYSIS

Any person may inspect and copy the public records of a public agency during the agency’s regular business hours, unless the records are excepted from disclosure under section 4 of the Access to Public Records Act. IC 5-14-3-3(a). An agency that receives a request for records via U.S. mail is required to respond in writing within seven (7) calendar days of receipt of the request. IC 5-14-3-9(b) and (c). It appears that the Department did not respond to your

request at all. This was a violation of the Access to Public Records Act. However, Sgt. Harris has stated that he will conduct a search for the records that you request. I will inquire into the progress of the Department's search, and ask that the Department keep you informed as to its progress.

CONCLUSION

For the foregoing reasons, I find that the Gary Police Department failed to issue a timely response to your request for records, in violation of the Access to Public Records Act.

Sincerely,

Karen Davis
Public Access Counselor

cc: Sgt. Harris