

July 21, 2006

Sam Williams
#885684
P.O. Box 41
Michigan City, IN 46361

Re: Formal Complaint 06-FC-102; Alleged Violation of the Access to Public Records Act by the Indiana Criminal Justice Institute

Dear Mr. Williams:

This is in response to your formal complaint alleging that the Indiana Criminal Justice Institute (“Institute”) violated the Access to Public Records Act by failing to respond to your request for a record. I find that the Institute is required to timely respond only if it received your request.

BACKGROUND

You allege in your formal complaint that you mailed to the Institute a request for a copy of the grant application and proposal submitted by Michael McKenna for a program entitled Saving Kids of Incarcerated Parents (“SKIP”). You claim that you have received no response to your May 25 request as of the date of your complaint, June 20, 2006.

I sent a copy of your complaint to the Institute. The Institute responded by letter. Ms. Mary Murdock, Chief Operations Officer, stated that she had not received any request for records from you. She acknowledged that as of April 26 the Institute was under the supervision of an interim director, with a new Executive Director being named on June 20. During that time, a number of employees left the agency. Ms. Murdock was prepared to provide you a copy of the grant application and proposal pertaining to SKIP, however.

ANALYSIS

Any person may inspect and copy the public records of any public agency, except as provided in section 4 of the Access to Public Records Act (“APRA”). Ind. Code 5-14-3-3(a). If a public agency receives a request for a record via U.S. Mail or facsimile, the public agency is required to respond within seven calendar days, or the request is deemed denied. IC 5-14-3-9(b). A public agency is not required to respond if it has not received a request.

I do not know where you mailed your request. Please note that the Indiana Criminal Justice Institute is located at One North Capitol, Suite 1000, Indianapolis, IN, 46204. Your complaint names the Indiana Criminal Justice Institute, at 302 West Washington Street, Room E209. I believe this to be the former address of the agency. If this is the address where you sent your request, the Institute may not have received your request at all, or the request may have been delayed. The Institute acknowledges that some change in staff has occurred recently.

I cannot determine conclusively whether the Institute received your request and failed to respond to it, or did not receive your request. Therefore, I cannot determine if the Institute violated the Access to Public Records Act. In any event, with your complaint, the Institute has now learned of your desire to receive a copy of the records, and is willing to provide them. If the Institute has not already sent you a copy and charged you the allowable copying fee, it should make arrangements to do so.

Sincerely,

Karen Davis
Public Access Counselor

cc: Mary Murdock