

July 5, 2006

John R. Lane-El
P.O. Box 30
Pendleton, IN 46064

Re: Formal Complaint 06-FC-93; Alleged Violation of the Access to Public Records Act by the Indianapolis Police Department

Dear Mr. Lane-El:

This is in response to your formal complaint alleging that the Indianapolis Police Department (“Department”) violated the Access to Public Records Act by failing to respond to your request for records. I find that the Department was required to respond to your request for records.

BACKGROUND

On January 9, 2006, you first sent to the Department a 13-part request for documents. On May 1, 2006, you reiterated your request for the same records. When you received no response to your May 1 request, you filed a complaint with the Office of the Public Access Counselor.

I sent a copy of your complaint to the Department. As of this writing, I have not received a substantive response to your allegations.

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. Ind. Code 5-14-3-3(a). The Department is clearly a public agency. IC 5-14-3-2(1). For a record request that is received by mail, the public agency is required to issue a response within seven (7) days, or the request is deemed denied. IC 5-14-3-9(b).

I do not have the benefit of any response to your complaint from the Department. Hence, I take your allegation as true that the Department has received your request and failed to respond. I find that the Department violated the Access to Public Records Act in failing to respond to your request for records. The Department's continuing failure to respond constitutes a continuing violation of the Access to Public Records Act actionable under IC 5-14-3-9(e).

CONCLUSION

For the foregoing reasons, I find that the Indianapolis Police Department violated the Access to Public Records Act.

Sincerely,

Karen Davis
Public Access Counselor

cc: Theresa Bockbrader