STATE OF INDIANA

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September 11, 2014

Mr. Gerry J. Scheub
2293 North Main St.
Crown Point, IN 46307

     Re: Formal Complaint 14-FC-177; Alleged Violation of the Access to Public Records Act by the Lake County Sheriff's Department

Dear Mr. Scheub,

This advisory opinion is in response to your formal complaint alleging the Lake County Sheriff's Department ("Sheriff") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The Sheriff has responded via Counsel John P. Bushemi. His response is enclosed for your review. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion in response to your formal complaint received by the Office of the Public Access Counselor on August 13, 2014.

BACKGROUND

Your complaint dated August 6, 2014, alleges the Lake County Sheriff's Department violated the Access to Public Records Act by not providing records responsive to your request in violation of Ind. Code § 5-14-3-3(b).

On or about June 12, 2014, you submitted a public records request to the Sheriff seeking various information and spreadsheets related to equipment used pursuant to the County's Work Release Program. The Sheriff acknowledged the request on June 13, 2014. On July 7, 2014, you submitted a reminder request seeking the same information. As of the filing of your complaint you had not heard from the Sheriff since the acknowledgement.

On August 19, 2014, after the filing of your complaint, the Sheriff released to you all of the records responsive to your request.

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 Lake County Sheriff is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the right to inspect and copy the Sheriff's 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).

A request for records may be oral or written. See Ind. Code § 5-14-3-3(a); § 5-14-3-9(c). If the request is delivered in person and the agency does not respond within 24 hours, the request is deemed denied. See Ind. Code § 5-14-3-9(a). If the request is delivered by mail or facsimile and the agency does not respond to the request within seven (7) days of receipt, the request is deemed denied. See Ind. Code § 5-14-3-9(b). A response from the public agency could be an acknowledgement the request has been received and information regarding how or when the agency intends to comply.

While I am pleased the Sheriff has eventually produced the records you seek, it was not until the filing of your complaint that they were inclined to do so. These results are the ultimate purpose of this Office; however, the Sheriff should be particularly mindful of his responsibility to be responsive to public access requests in the course of his duties. Undoubtedly, the Sheriff's Department has many responsibilities, but access to requested documents should be integral to the Department's course of business. Simply put, seven weeks is too long to wait for records of this sort. I have had the opportunity to review them and they are relatively simple administrative documents which should be produced with ease. Other requests may take a matter of months to fulfill. This is not one of them.

CONCLUSION

For the foregoing reasons it is the Opinion of the Public Access Counselor that the Lake County Sheriff's Department has acted contrary the Access to Public Records Act.

Regards,

Luke H. Britt
Public Access Counselor

Cc: Mr. John P. Bushemi, Esq.