



STATE OF INDIANA

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March 11, 2014

Mr. Charles Davis, Sr. D.O.C. #930610
Wabash Valley Correctional Facility
6908 S. Old U.S. Hwy 41
Carlisle, IN 46135

Re: Formal Complaint 14-FC-20; Alleged Violation of the Access to Public Records Act ("APRA") by the Johnson County Emergency Operations Center

Dear Mr. Davis,

This advisory opinion is in response to your formal complaint alleging the Johnson County Emergency Operations Center ("Center") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The Center has provided a response to your complaint via its Director, Ms. Stephanie Sighting. The response is enclosed for your review. 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 February 7, 2014.

BACKGROUND

Your complaint dated February 7, 2014 alleges the Johnson County Emergency Operations Center 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).

You allege on January 21, 2014, you requested public records pertaining to a 911 call on a specific date and time. Your request was addressed the Director, Ms. Stehanie Sighting. You sought the actual call reporting suspicious activity at the Edinburgh Sports Complex. As of February 7, 2014, you had not received an acknowledgment of your request.

In its response, the Center Director states she was out of the office between January 27, 2014 and February 10, 2014 which was when she received your request. Ms. Sighting states your request was dated January 24, 2014 (Friday) therefore, it is reasonable she would not have received your request until her return date. The Director also states the Emergency Management Center is not the custodian of 911 call records.

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 Johnson County Emergency Management Center 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 Center’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 the Center should have a protocol to respond to requests in the absence of the Director, it is reasonable to conclude your request was not received by the Director on February 10, 2014 when she also received your complaint via my Office. Nonetheless, the Emergency Management Center has indicated they do not keep logs of 911 calls. I typically find those calls are managed and retained by law enforcement as the keeper of the records. I suggest you direct your request to the Johnson County Sheriff’s Department or the Edinburgh Police Department.

CONCLUSION

For the foregoing reasons, it is the Opinion of the Indiana Public Access Counselor the Johnson County Emergency Management Center has not violated the Access to Public Records Act.

Regards,



Luke H. Britt
Public Access Counselor

Cc: Ms. Stephanie Sighting