



STATE OF INDIANA

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August 31, 2016

Ms. Diana Elliott
9748 West 250 South
Manilla, Indiana 46150

Re: Formal Complaint 16-FC-177; Alleged Violation of the Access to Public Records Act by the City Richmond Police Department

Dear Ms. Elliot:

This advisory opinion is in response to your formal complaint alleging the City Richmond Police Department ("Department") violated the Access to Public Records Act ("APRA"), Indiana Code § 5-14-3-1 et. seq. The Department has responded via Ms. Kimberly Vessel, Esq. Her response is enclosed for your review. Pursuant to Indiana Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on July 22, 2016.

BACKGROUND

Your complaint dated July 15, 2016, alleges the City of Richmond Police Department violated the Access to Public Records Act by failing to provide records within a reasonable time. On June 21, 2016 you sent a public records request seeking for documents related to the death of your daughter. On June 27, 2016 you received a notice from the Law Department informing you that due to the large number of requests you have made to the City, it would take additional time to fulfill your request.

On July 26, 2016 the Department responded. The Department notes you have been provided several records responsive to your request and states additional documents were mailed that day.

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 Indiana Code § 5-14-3-1*. The City of Richmond Police Department is a public agency for the purposes of the APRA. *See Indiana Code § 5-14-3-2(n)(1)*. Accordingly, any person has the right to inspect and copy the Departments disclosable public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. *See Indiana Code § 5-14-3-3(a)*.

The APRA does not specify a time for production or inspection of responsive records. Instead, a request for public records must be fulfilled by a public agency within a reasonable time. *See Indiana Code § 5-14-3-3(b)*. Reasonableness depends on the circumstances, including: size of the public agency, number of pending requests, complexity of the request, and any other operational consideration which may reasonably affect the public records process.

The Department noted in its original response it would take additional time to fulfill your request because of a high volume of requests. The Department does not appear to have done this with the intent to deny you access to records. Your original request was dated June 21, 2016. You received records sometime prior to July 26, 2016. A timeframe of one (1) month is not unreasonable if the Department has several other records requests to fulfill. Further, you requested law enforcement records. Law enforcement records, more than most, take additional time to release to the public. Therefore, the Department's actions were proper. As for any substantive denials in the responses, I reserve the right to opine on these matters in the future if you submit a new complaint.

CONCLUSION

Based on the forgoing, it is the opinion of the Public Access Counselor the City of Richmond Police Department did not violate the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read 'L. H. Britt', with a stylized flourish extending from the bottom left.

Luke H. Britt
Public Access Counselor

Cc: Ms. Kimberly Vessels, Esq.