



# STATE OF INDIANA

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November 1, 2008

Marvin Taylor Sr.  
DOC #995801  
One Park Row  
Michigan City, Indiana 46360

*Re: Formal Complaint 08-FC-215; Alleged Violation of the Access to Public Records Act by the Indianapolis Metropolitan Police Department*

Dear Mr. Taylor:

This advisory opinion is in response to your formal complaint alleging the Indianapolis Metropolitan Police Department ("Department") violated the Access to Public Records Act ("APRA") (Ind. Code 5-14-3) by denying you access to records. The Department's response to the complaint is enclosed for your reference. It is my opinion the Department did not violate the APRA.

## BACKGROUND

You filed a complaint on October 8, 2008, alleging that on September 16 the Department denied you access to records. You had requested records related to your arrest. The Department denied you access to the records, contending the records you requested are investigatory records and disclosable at the discretion of the agency pursuant to I.C. § 5-14-3-4(b)(1).

The Department responded to the complaint by letter dated October 23 from City of Indianapolis Chief Deputy Corporation Counsel and Public Access Counselor Samantha Karn. The Department contends you have submitted five requests for access to records related to your case since February 2008. The Department sent you a timely response to each request. The Department contends that in response to your February 25, 2008 request, the Department provided any disclosable records related to your case. Further, on July 8, the Department indicated in its response to your July 1 request that if you request probable cause information, you should seek that from the court.

The Department contends that it is not required to provide copies of the same records multiple times. Further, the Department contends you have made requests which are overly broad and you have made requests not related to the APRA.

## ANALYSIS

The public policy of the APRA states, "(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." I.C. § 5-14-3-1. The Department is clearly a public agency for the purposes of the APRA. I.C. § 5-14-3-2(m). Accordingly, any person has the right to inspect and copy the public records of the Department during regular business hours unless the public records are excepted from disclosure as confidential or otherwise nondisclosable under the APRA. I.C. § 5-14-3-3(a).

You have made several requests for the entire case file related to your case. The Department contends it has provided you any records which are disclosable and responsive to your requests. Pursuant to I.C. § 5-14-3-4(b)(1), investigatory records of law enforcement agencies are disclosable at the discretion of the agency. "Investigatory record" means information compiled during the investigation of a crime. I.C. § 5-14-3-2(h). It is my opinion that the Department can demonstrate the contents of the case file are investigatory records and as such can bear the burden of proof to sustain the denial of access on this basis. *See* I.C. § 5-14-3-1, *regarding burden of proof*.

While certain information maintained by law enforcement agencies is required to be disclosed (*See* I.C. § 5-14-3-5), this list does not include the case file or investigation report you have requested. Certainly the daily log information must be disclosed, but it is my understanding this is not what you have sought.

The Department contends it has provided you with any records which are disclosable and responsive to your requests. An agency is not required to provide a requester more than one copy of a record. *See* I.C. § 5-14-3-8(e). As such, it is my opinion the Department is not required to provide you additional copies of records it has previously provided to you.

## CONCLUSION

For the foregoing reasons, it is my opinion the Department did not violate the APRA.

Best regards,



Heather Willis Neal  
Public Access Counselor

Cc: Samantha Karn, City of Indianapolis