



STATE OF INDIANA

MICHAEL PENCE, Governor

**PUBLIC ACCESS COUNSELOR
LUKE H. BRITT**

Indiana Government Center South
402 West Washington Street, Room W470
Indianapolis, Indiana 46204-2745
Telephone: (317)234-0906
Fax: (317)233-3091
1-800-228-6013
www.IN.gov/pac

May 5, 2016

Ms. Margaret Fosmoe

Re: Informal Inquiry 16-INF-09; Police Logs

Dear Ms. Fosmoe:

This is in response to your informal inquiry regarding what information must be included in daily logs created under the APRA. I issue the following informal opinion in response to your inquiry. My opinion is based on applicable provision of the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-5(c).

BACKGROUND

You seek a determination as to what additional information is required for the daily logs created by law enforcement in response to various kinds of calls. You specifically question whether the names of victims and other factual circumstances must be included in the log and if a member of the public is interested in the incident, must that person ask for each piece of required information or should it be given all at once.

ANALYSIS

Pursuant to Ind. Code § 5-14-3-5(c) a law enforcement agency shall maintain a daily log or record that lists suspected crimes, accidents, or complaints, and the following information shall be made available for inspection and copying:

- (1) The time, substance, and location of all complaints or requests for assistance received by the agency.
- (2) The time and nature of the agency's response to all complaints or requests for assistance..
- (3) If the incident involves an alleged crime or infraction:
 - (A) the time, date, and location of occurrence;

(B) the name and age of any victim, unless the victim is a victim of a crime under IC 35-42-4 or IC 35-42-3.5;

(C) the factual circumstances surrounding the incident; and

(D) a general description of any injuries, property, or weapons involved.

The statute requires a daily log whenever a law enforcement agency is acting within its official capacity. There is a difference between logs for complaints and requests for assistance and logs for alleged crimes and infractions.

Mere requests for assistance or complaints only necessitate the creation of cursory information. As these police runs may not always involve victims, only time, substance, location and the agency's response is required to be contained in a log. If the incident involves an alleged crime or infraction, the log or report would have to contain the name and age of a victim for public inspection as well as factual circumstances and a general description of injuries, property or weapons involved.

For daily logs, Ind. Code § 5-14-3-5(c) contemplates disclosure that is enough to explain the substance of the incident, but must give the reader an idea of what happened. Ind. Code 5-14-3-4(b)(1) provides discretionary release of records to protect the integrity of the investigation. Reading these two provisions together, a daily log should contain enough information to provide the public information about the *general substance* of the incident, but not so much as to impair law enforcement's ability to investigate. The information disclosed would be situation-specific, but the APRA generally contemplates as much information as possible.

For example, just the words "traffic stop in 36000 block of Gumwood Road" would not be enough. There would need to be more details regarding the factual circumstances of the case. There may or may not be a victim, but there would be a reason for the stop, i.e. speeding, broken taillight, erratic driving, etc.

This information must be created within 24-hours and placed on some kind of log or report. When the public asks for this 'log', law enforcement should give the entire list of required details and not a piecemeal release of information bit-by-bit, so the requestor is continually fishing for descriptions.

Please do not hesitate to contact me with any further questions or specific examples.

Best regards,

A handwritten signature in black ink, appearing to read "L. Britt", with a long horizontal flourish extending to the left.

Luke H. Britt
Public Access Counselor