

STATE OF INDIANA  
**INDIANA STATE POLICE**  
INDIANA GOVERNMENT CENTER NORTH  
100 NORTH SENATE AVENUE  
INDIANAPOLIS, INDIANA 46204-2259  
www.in.gov/isp

November 30, 2022

*Sent via email*

Office of the Public Access Counselor  
Counselor Luke Britt  
Indiana Government Center South  
402 W. Washington St., Rm. W 470  
Indianapolis, IN 46204-2745

RE: Formal complaint 22-FC-157

Dear Counselor Britt:

This letter is in response to Formal Complaint 22-FC-157, filed by Ron Wilkins, alleging the Indiana State Police (“ISP”) violated the Indiana Access to Public Records Act (“APRA”). The ISP responded to Mr. Wilkins’ request by publishing an email update bulletin which Mr. Wilkins received through his subscription to the email update service and this matter should be closed.

**BACKGROUND:**

On October 28, 2022, the ISP received a telephone call from Ron Wilkins requesting information on who was taken into custody regarding the Delphi Investigation. The ISP responded to Mr. Wilkins and informed him the information could not be confirmed at this time. Notably, the court records in this matter, including the charging information, were sealed at that time. Further, the ISP was directed by the Prosecutor involved not to confirm any information at this time.

The ISP also received an email from Mr. Wilkins (attached), [rwilkins@jconline.com](mailto:rwilkins@jconline.com), on October 28, 2022. The email requested “information about the arrest of Richard Allen, including but not limited to, the factual circumstances of his arrest, location and time of his arrest, his address, including street address, apartment number and city; the allegations for his arrest, i.e., preliminary or formal charges; as well as any book-in photos.” The email was signed by Ron Wilkins. The ISP did not directly respond to this email.

On October 29, 2022, the ISP received another telephone call (attached) from Mr. Wilkins. Mr. Wilkins renewed his request and asked the ISP to confirm the identity of the person in custody. The ISP repeated the original response and informed Mr. Wilkins the information cannot be confirmed at this time. The ISP was still under the direction of the assigned Prosecutor as how to respond to requests of this nature. Additionally, the court records were still sealed.

An email update bulletin (attached) was published by the ISP on October 31, 2022, titled, “Arrest Made for the Murders of Abigail Williams and Liberty German.” The bulletin provided the information requested by Mr. Wilkins. Furthermore, Mr. Wilkins is a subscriber to the ISP email update service, and he received this bulletin.

The ISP has provided (attached) two screenshots detailing the new release bulletin subscription service. In the first screenshot, the email account for [rwilkins@jconline.com](mailto:rwilkins@jconline.com) is subscribed to the following topic names: Alert-Amber; D-16 Media Only; District 13 – Lowell; District 14 – Lafayette; District 16 – Peru; and Statewide News Release. The second screenshot details where the October 31 news release bulletin was published. Ron Wilkins, [rwilkins@jconline.com](mailto:rwilkins@jconline.com), received this news release from the District 13 – Lowell, District 14 – Lafayette, and District 16 – Peru topic subscriptions.

On November 10, 2022, Mr. Wilkins filed this complaint. Mr. Wilkins alleges the ISP did not respond to his October 28, 2022, request for information. Additionally, Mr. Wilkins alleges the ISP has twenty-four (24) hours from the time of arrest to make his requested information public and failed to do so.

## **ANALYSIS:**

The public policy of 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 is to provide the information.” *See* Ind. Code §5-14-3-1. The ISP is a public agency for the purposes of the APRA. *See* Ind. Code §5-14-3-2. Accordingly, any person has the right to inspect and copy the ISP’s non-confidential public records during regular business hours unless the records are excepted from disclosure as confidential or otherwise non-disclosable under APRA. *See* Ind. Code §5-14-3-3(a).

Mr. Wilkins initially alleges the ISP is required to make arrest information public within twenty-four (24) hours of the arrest. Mr. Wilkins is misreading the Daily Log statute, Ind. Code §5-14-3-5(c). This statute states “[t]he information shall be made available for inspection and copying in compliance with this chapter. The record containing the information must be created not later than twenty-four (24) hours after the suspected crime, accident, or complaint has been reported to the agency.” Nothing in Ind. Code §5-14-3 requires that the information be provided or available for inspection within in twenty-four (24) hours. The information merely needs to be created in that timeframe. The ISP is in compliance with the statute. The information required in the daily log is created within twenty-four (24) hours through our CAD detail page. The statute does not require that the ISP provide a printout including all the information listed on Ind. Code §5-14-3-5(c), but just that the information be created within twenty-four (24) hours; which we comply with through our CAD Detail and RMS media summaries.

In his next argument, Mr. Wilkins alleges that as of November 8, 2022, the ISP has not acknowledged his October 28, 2022, written request for information. It is true that a written request made by mail or fax is considered denied if seven (7) days have elapsed from the date the agency received the request and has not responded. *See* Ind. Code §5-14-3-9(c). However, Mr. Wilkins is a subscriber to the ISP email update system. The ISP published a bulletin update on the Delphi investigation on October 31, 2022, titled, “Arrest Made for the Murders of Abigail Williams and Liberty German.” Through the provided attachments, one can see Mr. Wilkins is a subscriber to the ISP email update system and that he was provided with this bulletin. The ISP responded to Mr. Wilkins three (3) days after his request which is well within the seven (7) day period to respond to written requests.

It is worth noting the court records regarding this investigation, including the charging information and probable cause affidavit, were sealed by a court order during the time of his requests. The Prosecutor involved specifically requested these records to be sealed and the Judge granted the request. These records are considered confidential under Ind. Code §5-14-3-4(a) and it would be proper to deny access to the information contained in these records. However, ISP partnered with the Carroll County Prosecutor’s Office to release an email bulletin, as well as hold a press conference, regarding this investigation. The information released was

carefully crafted to honor the Court's order to seal the records while providing the public with the appropriate information.

## **CONCLUSION**

Based on the foregoing, the ISP respectfully requests that you find that the ISP has timely responded to Mr. Wilkins request and has not violated the APRA. Further, the daily log requirement does not require that the information be provided within twenty-four (24) hours of creation. If you have any questions or need further information, please do not hesitate to contact me.

Respectfully,

/s/ Jeff Pitts

Jeff Pitts, Legal Counsel  
Indiana State Police