



CITY OF FORT WAYNE

THOMAS C. HENRY, MAYOR

October 13, 2022

VIA EMAIL – aparas@wfft.com

Andy Paras
WFFT
3707 Hillegas Rd.
Fort Wayne, IN 46808

RE: REQUEST FOR ACCESS TO PUBLIC RECORDS
DATE: 10/11/22

Dear Mr. Paras:

The Law Department is in receipt of your Request for Access to Public Records dated 10/11/22 (copy attached).

In response to your public records request, the City of Fort Wayne ("City") denies your requests pursuant to Indiana Code § 5-14-3-4(b)(1) and I.C. § 5-14-3-5.2(a)(2)(B) and (C).

The investigatory records exception to the Access to Public Records Act ("APRA") provides that a law enforcement agency has the discretion whether to disclose investigatory records. See Indiana Code § 5-14-3-4(b)(1). An investigatory record is defined as "information compiled in the course of the investigation of a crime." I.C. § 5-14-3-2(i). APRA does not limit the applicability of the investigatory records exceptions based on the status (*i.e.*, active investigation vs. closed investigation) or age of an investigation. The Indiana courts agree with this notion as well.

With respect to law enforcement recordings, I.C. 5-14-3-5.2(a)(2) authorizes the FWPD to deny disclosure if access to or dissemination of the recording could interfere with the ability of a person to receive a fair trial or may affect an ongoing investigation.

The FWPD does not release investigatory records without a subpoena. This has been FWPD policy for the past 20 plus years and has been applied to **all** criminal investigations. The City has consistently, fairly, and even-handedly applied this policy to all public records requests and will continue to do so in the future.

Very truly yours,

/s/ Malak B. Heiny

Malak B. Heiny
City Attorney
Citizens Square – Suite 430
200 E. Berry Street
Fort Wayne, IN 46802
260/427-2330

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CITY OF FORT WAYNE
REQUEST FOR ACCESS TO PUBLIC RECORDS

Name of person requesting access: Andy Paras
Organization person represents: WFFT
Address of Person or Organization: 3707 Hillegas Road
Contact phone: (843) 607-3677 Email address: aparas@wfft.com
Date of request: 10/11/2022 Time of request: 10:10 AM

Specific description of records being requested:

Under the Indiana Access to Public Records Act § 5-14-3-1 et seq., I am requesting an opportunity to inspect or obtain copies of public records related to the crash and subsequent arrest of Mayor Tom Henry on Oct. 8, 2022. I am requesting both the officers' dash cam and body camera footage from the crash investigation and his arrest on OWI charges.

- ☐ This request is for permission to inspect records.
- ☒ This request is to request a copy of records. I understand I may be charged a copying fee for the records.

1260066
Submission Number

Date: 10/11/2022

FOR AGENCY USE ONLY - RECEIPT INFORMATION

Date and time request received: 10/11/2022

Individual/Department receiving request:

Disposition of Request / Inter-Office Use Only

☐ Request granted

☐ Request denied

If denied, reason(s) for denial:

Individual/Department making decision on request:

Disposition date and time: / /

Applicable fee schedule:

Amount to be billed to requesting party: