



STATE OF INDIANA

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February 19, 2026

Re: Complaint 25-FC-056
Laura Musall (Complainant) v.
Indianapolis Metropolitan Police Department (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed February 20, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on December 15, 2025, requesting a formal response by January 13, 2026. A formal response, submitted by Daniel Harrison, Deputy Chief Legal Counsel on behalf of Respondent, was received in this office on February 12, 2026.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to provide copies of the public records within a reasonable time.

ANALYSIS

The public policy of APRA states that “[p]roviding persons with the 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.” Indiana Code (IC) 5-14-3-1. Respondent is a public agency for purposes of APRA; and therefore, subject to the requirements. IC 5-14-3-2(q). As a result, unless an exception applies, any person has the right to inspect and copy Respondent’s public records during regular business hours. IC 5-14-3-3(a).

A public agency may not deny or interfere with the exercise of the right stated above. If the public agency does not deny the request, within a reasonable time after the request is received by agency the public agency shall either:

- (1) Provide the requested copies to the person making the request; or
- (2) Allow the person to make copies:
 - (A) on the agency’s equipment; or
 - (B) On the person’s own equipment.

APRA does not define the phrase “reasonable time”. This office has in the past provided guidance on what would be considered a reasonable time for purposes of compliance with the APRA provisions. An informal benchmark this office observes for a typical response time would be thirty (30) days from the receipt of the request. *Opinion of the Public Access Counselor 20-FC-87*.

However, this office has further observed that many requests cannot be fulfilled within thirty (30) days for a variety of reasons. This office considers the following factors:

- (1) the size of the public agency;
- (2) the size of the request;
- (3) the number of pending requests;
- (4) the complexity of the request; and
- (5) any other operational considerations or factors that may reasonably affect the public records process.

Complainant on August 26, 2024, requested case files for certain detectives working on missing person cases from 1994 to 1996 and other information regarding the death investigations of an alleged serial killer. Respondent acknowledged the request and both Complainant and Respondent worked to narrow the request to the specific records. The records request was particularly voluminous. Complainant followed up with emails asking for updates and on December 12, 2024, even provided a more specific list of items being sought.

Respondent determined in September 2024 that part of the file could be released. The matter was assigned to a paralegal to review and work with detectives to redact or except from disclosure those records which qualified. Multiple times Respondent notified Complainant that the records being reviewed were voluminous and no timeframe for delivery could be given. Respondent states that in March of 2025 the paralegal assigned to completing the request went on leave and never returned to work, which resulted in no records from the August request being released. However, Respondent acknowledges that since December 12, 2024, request, Complainant has made five (5) additional requests which have been fulfilled.

Respondent stated that in February 2025 the Indiana State Police (ISP) reopened the murder investigation under the premise that the serial killer may have had an accomplice. Respondent has provided its investigatory records to ISP to assist in the ongoing criminal investigation. At that point, Respondent exercised its discretion under the investigatory records exception to not release the records as requested.

APRA provides law enforcement agencies with the discretion to withhold investigatory records from public disclosure. I.C. 5-14-3-4(b)(1). There is no dispute that Respondent is a law enforcement agency for purposes of

investigatory records exception. I.C. 5-14-3-2(q)(6). That means that Respondent has discretion to withhold the agency's investigatory records from public disclosure.

APRA defines "investigatory record" as "information compiled in the course of the investigation of a crime." I.C. 5-14-3-2(i). In other words, APRA speaks to information gathered, accumulated or prepared in or during the investigation of a crime. The burden is on the public agency to predicate a denial of public disclosure with specificity and not by relying on a conclusory statement. I.C. 5-14-3-9(g)(1)(B).

The operational limitations of Respondent were outlined by Respondent as the volume of the records requested, turnover in staff, and time required to review the files.

Upon considering the nature of the record request, the significant challenges expressed by the Respondent in meeting the request and the time span from August 26, 2024, until February 2025, when other determinations for withholding the records were made, the timeframe of almost six (6) months to produce the requested records is unreasonable.

Respondent acknowledged that the records had been compiled as early as November 7, 2024, but no records were released in the next three (3) plus months. Had Respondent released some of the records at that time, those records may have avoided being later classified as investigatory records.

Respondent further acknowledged that some records that did not fall under the investigatory records exception have been delivered to Complainant on multiple occasions in 2025.

CONCLUSION

This office finds that the Respondent violated APRA by failing to provide the requested August 2024 records within a reasonable time.

However, Respondent then was precluded from releasing the records under the investigatory record exception, and therefore, did not violate APRA by ultimately denying the release of the records.



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