STATE OF INDIANA

MIKE BRAUN, Governor

PUBLIC ACCESS COUNSELOR
JENNIFER RUBY
Indiana Government Center South
402 West Washington Street, Room W470
Indianapolis, Indiana 46204-2745
Telephone: (317) 234-0906
Email: pac@opac.in.gov
Website: www.IN.gov/pac

February 24, 2026

Re: Complaint 25-FC-071
Eric Mapes (Complainant) v.
City of Delphi (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed March 31, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 16, 2025, requesting a formal response by November 14, 2025. A formal response, submitted by Amber Morgan of Robeson Law LLC on behalf of Respondent, was received in our office on November 16, 2025.

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 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." 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 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.

Complainant states that on May 14, 2023, it had requested the following regarding a named city police officer including: 1) oath of office, 2) bonds covering the officer, and 3) any disciplinary records pertaining to the officer's demotion, suspension, or discharge.

APRA does not define the term "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. In those circumstances, 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.

At the same time, because Complainant's request was reasonably particular, it left reasonable timeliness as simply the practical efficiency in which to fulfill the request. *Opinion of the Public Access Counselor 20-FC-19.*

The records request was not particularly voluminous and was not complex. The many operational limitations that came into play were outlined by Respondent as: limited staff, large volume of APRA requests by Complainant and others, change in police chiefs, routine duties of staff, and significant staff demands required for legal priorities and urgent matters. Respondent also requires APRA requests to be reviewed by legal counsel.

Respondent acknowledged the delay was from having been inadvertently missed and that the delay was unreasonable. Procedures have been under review by Respondent to better handle APRA requests filed with the city. We encourage Respondent to establish a reasonable response time for APRA requests.

Respondent stated that Complainant was provided with the requested records on January 16, 2026.

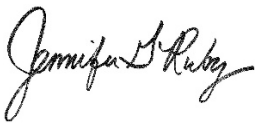
Upon considering the limited nature of the record request and the significant challenges expressed by the Respondent in meeting APRA requests, the time span from May 14, 2023, until January 16, 2026, approximately thirty-two (32)

months or 2.67 years, to produce the documents was unreasonable by any measure.

CONCLUSION

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

We also acknowledge that Respondent, to prevent non-compliance with APRA, "has adopted an ordinance to establish policies and a required request form."



Jennifer G. Ruby
Public Access Counselor