



STATE OF INDIANA

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Re: Complaint 25-FC-092
Jayden Bennett (Complainant) v.
Munster Police Department (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on April 29, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 22, 2025, requesting a formal response by November 20, 2025. A formal response, submitted by Attorney David Westland of Westland & Bennett P.C., on behalf of Respondent, was received in this office on November 15, 2025.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to provide a copy of all requested records.

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).

The Complainant alleges that Respondent violated APRA when it failed to provide all the records requested regarding an investigation from 2020. Both parties acknowledged that an incident was reported to the Chicago Police Department which then transferred it to Respondent. When made aware that the incident involved an officer of Respondent, Respondent transferred the investigation to the Griffith Police Department, along with the files.

Respondent provided Complainant with the responsive records it still held, and according to Respondent's June 3, 2025 response, there are no other records responsive to Complainant's request.

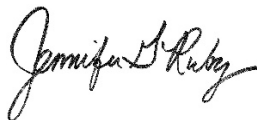
Respondent has not invoked an exception under APRA to avoid disclosure of public records. Complainant has received all responsive records held by Respondent according to the formal response to our office. Respondent also stated that all investigatory records were transferred to Griffith Police Department (GPD) along with the responsibility for the investigation and referred Complainant to GPD.

According to previous advisory opinions, APRA does not require a public agency to create a record or conduct research to compile a record to satisfy a request for documentation. If Respondent has no documents responsive to Complainant's request, it did not violate APRA when it did not give Complainant additional documents. Respondent may refer Complainant to other potential resources for obtaining requested documents, but such a referral is not required under APRA. *Opinion of the Public Access Counselor 25-FC-002A.*

The Respondent is not required to produce records it does not have or are nonexistent. *Opinion of the Public Access Counselor 01-FC-61.*

CONCLUSION

This office finds that the Respondent did not violate APRA by failing to provide records that it no longer possesses and does not maintain.



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