



# 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](mailto:pac@opac.in.gov)  
Website: [www.IN.gov/pac](http://www.IN.gov/pac)

February 17, 2026

Re: Complaint 25-FC-121  
Pamela Frazee (Complainant) v.  
Tippecanoe County Sheriff's Office (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on June 9, 2025

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 21, 2025, requesting a formal response by November 19, 2025. A formal response, submitted by Attorney Douglas Masson of Hoffman, Luhman & Masson, PC, on behalf of Respondent, on November 19, 2025.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by charging unjustified or prohibited fees for access to 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).

APRA contains exemptions – both mandator and discretionary to the general rule of disclosure. APRA prohibits a public agency from disclosing certain records unless access is specifically required by state or federal statute or is ordered by a court under the rules of discovery. IC 5-14-3-4(a). APRA lists other types of records that may be excepted from disclosure at the discretion of the public agency. IC 5-14-3-4(b).

The Complainant alleges that Respondent violated APRA when it billed Complainant for copying or accessing records even though the records request was for electronic transfer of the digital copies. Respondent presented, as requested by Complainant, advance notice of the amount of the bill, which included a charge of \$150 for the bodycam recording. Complainant takes issue with the amount of the fee and states that APRA required the fee to be actual cost not to exceed the \$150 amount. Complainant also takes issue with the requirement that the fees be paid in advance. Respondent states that the fee is justified when requiring the redaction of the recording, prior to delivery of a copy or inspection and that the fee is in accordance with APRA.

Complainant is correct that APRA provides that a public agency may not charge any fee for inspection of a public record. IC 5-14-3-8(b)(1). Should the bodycam not require redaction that would be accurate. However, IC 5-14-3-6(a) states:

*If a public record contains disclosable and nondisclosable information, the public agency shall, upon receipt of a request under this chapter, separate the material that may be disclosed and make it available for inspection and copying.*

Respondent stated that to redact a copy of the bodycam for inspection, the Respondent has to first copy the recording, in order to preserve the original, and then proceed to redact the recording. When a copy needs to be made, the copy fee applies. Respondent contends that it is the same process whether you allow inspection of a redacted copy or provide the requester with an actual copy of the recording, therefore the fee, in this case \$150, is justified.

*Opinion of the Public Access Counselor 17-FC-199* made a similar case related to a request for attorney invoices:

*The redaction process naturally necessitates printing copies. Therefore, a copy fee may be charged back.*

In the above opinion, this office determined that copying attorney invoices in order to redact them incurred the same expense as providing the copy itself.

The Complainant also alleges that the fee for the recording was the maximum provided by statute and not justified by a breakdown of actual costs. IC 5-14-3-8(g) provides that the agency,

*providing a duplicate of a computer tape, computer disc, microfilm, law enforcement recording, or similar or analogous record system... may charge a fee, uniform to all purchasers, that does not exceed the following:*

(1) *The agency's direct cost of supplying the information in that form. However, the fee for a copy of a law enforcement recording may not exceed one hundred fifty dollars (\$150).*

APRA also provides for the fiscal body to adopt a schedule of fees for the certification or copying of documents. IC 5-14-3-8(d). The Tippecanoe County Council is the fiscal body as defined in IC 36-1-2-6. Respondent stated that:

*[O]n July 9, 2019, the Tippecanoe County Council adopted Ordinance 2019-19-CL making a legislative determination that*

*“the direct cost of the development of a law enforcement recording program; the labor to retrieve law enforcement recordings, including reviewing such recording for required redactions; and the medium use of output for the recordings exceeds \$150”*

*and, consequently, the Council legislated a uniform fee of \$150 after making that determination.*

According to the statutes cited and the local ordinance, Respondent is able to charge a fee according to its schedule.

As to the fees for “Call for Service Sheet” and “CAD Sheet”, Respondent stated that the fees are for making a copy of the record that could be redacted as these records contain both disclosable and non-disclosable information. IC 5-14-3-6(a). The fee charged was only at a per page rate as opposed to the actual cost.

Finally, Complainant challenges the requirement by Respondent that the fees for the records be paid in advance. IC 5-14-3-8(e)(2) states in the last sentence:

*A public agency may require that the payment for copying costs be made in advance.*

## **CONCLUSION**

This office finds that the Respondent did not violate APRA, either by the fees charged or requiring advance payment of those fees.



Jennifer G. Ruby  
Public Access Counselor