



STATE OF INDIANA

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February 11, 2026

Re: Complaint 25-FC-130
Maxwell Lewis (Complainant) v.
Cass County Sheriff's Department (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on June 23, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 14, 2025, requesting a formal response by November 12, 2025. A formal response, submitted by Attorney Jeffery Stanton of the Law Office of Jeffrey D. Stanton on behalf of Respondent, was received in this office on November 12, 2025.

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

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).

Indeed, APRA contains exceptions-both mandatory 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).

In addition, 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 failed to produce copies of the body cam recording as requested through a formal records request. The incident involved was a police action shooting that resulted in death. Complainant states that the Prosecutor, on January 3, 2025, cleared the deputy as being justified in his actions. While no ongoing criminal investigation continues, the Respondent denied Complainants record request on June 2, 2025.

Although IC 5-14-3-4(b)(1) is the investigatory records exclusion for public records, it specifically states that law enforcement recordings are not investigatory records. The APRA also provides that if a public record contains both disclosable and non-disclosable information the public agency shall, upon a request for access to records, separate the material that may be disclosed and make it available for inspection and copying. IC 5-14-3-6(a). Although Respondent states, “[t]he body camera footage is quite graphic,” it is not clear whether or not the footage could be meaningfully redacted.

Respondent's initial denial cited IC 5-14-3-5(z)(2)(C), but corrected this to IC 5-14-3-5.2(a)(2)(C) in its complaint response, as providing exception to disclosure of the records at the determination of the public agency as “that access or dissemination of the recording may affect on ongoing investigation as the recording is an investigatory record of a law enforcement agency.”

Respondent acknowledges in its formal response that the Sheriff has determined that his office will not release the bodycam recording under the full provisions of IC 5-14-3-5.2(a)(2):

A public agency shall permit any person to inspect or copy a law enforcement recording unless one (1) or more of the following circumstances apply:

(2) The public agency finds, after due consideration of the facts of the particular case, the access to or dissemination of the recording:

- (A) creates a significant risk of substantial harm to any person or to the general public;*
- (B) is likely to interfere with the ability of a person to receive a fair trial by creating prejudice or bias concerning the person or a claim or defense presented by the person;*
- (C) may affect an ongoing investigation, if the recording is an investigatory record of a law enforcement agency as defined in section 2 of this chapter and notwithstanding its exclusion under section 4(b)(1) of this chapter; or*

(D) would not serve the public interest.

Respondent states in its response that the Sheriff will only disclose the body worn and dash cam video once the Statute of Limitations has run on any potential civil claim that could be brought against the Deputy, the Department or the County.

Respondent goes on to provide background information for each of the claimed exclusions from disclosure.

Finally, as referenced in Respondent's response, Complainant has the ability, if denied access to the public records, to petition the court in the county in which the law enforcement recording was made for an order permitting inspection or copying of a law enforcement recording. IC 5-14-3-5.2(b).

CONCLUSION

This office finds that the Respondent provided an incorrect Indiana Code cite in its initial response. However, in that response, Respondent did not violate APRA by providing the relevant context for using its discretion to withhold the records. Respondent's complaint response cites fully the relevant code cites and reasoning.



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