



STATE OF INDIANA

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March 3, 2026

Re: Complaint 25-FC-141
Nikki Rooker (Complainant) v.
Mitchell Police Department (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed July 6, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 23, 2025, requesting a formal response by November 21, 2025. A formal response, submitted by Police Chief Troy Lobosky on behalf of Respondent, was received in this office on November 7, 2025.

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

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 sometime prior to April 17, 2025, she had requested a copy of the police report, where she had reported an incident. Complainant describes various times where she was referred to other agencies, told they had reports and needed approval to release those reports, yet had not been provided a copy of the reports at

the time of the complaint. However, Complainant provided the first two (2) pages of the police report with her complaint.

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 reviewing 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.

Opinion of the Public Access Counselor 20-FC-19.

Respondent stated in its response that Complainant had received the requested records, and that she also was provided a paper copy which she never picked up. In Respondent’s January 26, 2026, follow up email, it forwarded a PDF copy of the responsive documents, and stated this was the fourth copy they had provided. Respondent also printed out the documents to be picked up, if Complainant would like. Respondent does not state specifically that no other responsive records exist. Respondent does not say when the records were first made available to Complainant. But as above, some of the records that were included in the PDF were the same records submitted to this office with her July 6, 2025, Complaint.

Complainant believes that other records exist and have not been turned over. This office does not have investigatory authority and is not a trier of fact. We are unable to conclude whether Respondent should have provided additional records or mentioned exceptions which applied. IC 5-14-3-4. We review the information submitted by Complainant and the formal response submitted by Respondent and apply Indiana statutory and case law.

CONCLUSION

This office finds that the Respondent did not violate APRA by failing to provide the requested records.



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