



STATE OF INDIANA

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March 9, 2026

Re: Complaint 25-FC-152
Drew Shumate (Complainant) v.
City of Carmel (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on July 20, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 24, 2025, requesting a formal response by November 24, 2025. A formal response, submitted by Corporation Counsel on behalf of Respondent, was received in this office on November 24, 2025.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) when responsive records were redacted without citing the statutory provision and the fees to be charged for the copies of bodycam recordings were excessive.

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 is to provide the information.” Indiana Code (IC) 5-14-3-1.

Accordingly, any person has the right to inspect and copy the public records during regular business hours of the agency unless the records are excepted from disclosure as confidential or otherwise non-disclosable under APRA.

IC 5-14-3-4 provides that certain records may be excepted from mandatory disclosure at the discretion of the public agency. Investigatory records of law enforcement are one such exception. IC 5-14-3-4(b)(1).

The Complainant requested copies of documents related to the investigation of an incident which occurred at an apartment pool complex. The request included copies of the police/witness report concerning the incident, any

related body-worn full camera footage for officers on the scene and access to the security footage used in making a decision on the case. Both parties acknowledge that fourteen (14) responsive records were provided to Complainant, initially in redacted form. Complainant takes exception to the redaction of the records.

APRA requires the redaction of non-disclosable information if a public record contains disclosable and non-disclosable information by separating the information that may be disclosed and making that information available for inspection and copying. IC 5-14-3-6(a). Respondent initially provided redacted records but later provided Complainant with non-redacted versions of the same records.

Respondent cites the investigatory records exception for withholding other records from disclosure. The Respondent has the discretion to withhold those records that they deem as investigatory records from disclosure. IC 5-14-3-4(b)(1).

Complainant states that the investigatory records exception was not properly invoked and was no longer valid when the Prosecutor failed to press forward with charges. This is an incorrect view of the exception since its provisions apply even after the ongoing investigation has been completed or no charges filed.

The Indiana Court of Appeals in *Lane-El v. Spears*, 13 N.E. 3rd 859 (Ind. Ct. App. 2014) stated that a denial should clearly provide the exemption being claimed in the public agency's denial. Respondent has done that and cites the investigatory record exception. The court further finds that investigatory records are not limited to records, the disclosure of which would interfere with ongoing law enforcement proceedings. The Court goes on to say that it "will not contravene the Legislature's intent in creating an explicit exception to the APRA by limiting investigatory records to records of active investigations". We find no violation.

The *Lane-El* Court also recognizes that a person who has been denied access to public records may file an action in the circuit or superior court of the county in which the denial was made, placing the burden of proof on the public agency denying the request.

Complainant also alleges that Respondent has violated APRA by overcharging for copies of bodycam recordings. Respondents determined that a fee of \$500 was to be charged for four (4) bodycam recordings that were responsive to the records request.

APRA provides that a public agency may when providing a duplicate of a computer tape, computer disc, microfilm, law enforcement recording or similar

or analogous record system containing information owned by the public agency or entrusted to it, charge a fee, uniform to all purchasers, that does not exceed the sum of the agency's direct cost of supplying the information in that form, unless the fee is for a copy of a law enforcement recording and that fee may not exceed \$150. IC 5-14-3-8(g).

Respondent on July 18, 2025, in an email to Complainant broke down the calculation of the fee that was being charged for copies of law enforcement recordings. The presentation depicted costs well in advance of \$150 per copy but that APRA limited the charge to \$150. Respondent in its formal response further stated that Complainant was charged only \$100 for each of two (2) recordings that were shorter in length, thereby resulting in a charge of \$500 instead of the full charge of \$600. We find no violation.

The complaint also referred to several matters that were questions, statements or references to non-responses by city employees or officials.

The APRA deals with request for records; an agency is not required under the APRA to answer questions or perform other acts beyond providing records in response to a request.

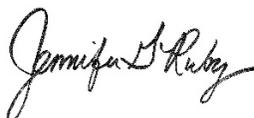
Opinion of the Public Access Counselor 13-FC-124. However, Opinion of the Public Access Counselor 24-FC-34 states it as:

[A] public agency is not required to answer questions to satisfy a public records request.

Therefore, Respondent did not violate APRA by failing to answer questions or provide additional information beyond the requested records. These matters do not fall within the provisions of APRA and are not addressed herein.

CONCLUSION

This office finds that the Respondent did not violate APRA as alleged in the complaint.



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