



STATE OF INDIANA

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March 23, 2026

Re: Complaint 25-FC-168
Donna Miller (Complainant) v.
Lake County Sheriff's Office (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed August 13, 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 Attorney Jewell Harris, Jr., of the Harris Law Firm P.C., on behalf of Respondent, was received in this office on November 21, 2025.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to provide records from the Lake County Animal Shelter, run by the Lake County Sheriff's Office, as requested.

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 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).

Complainant sought to obtain a copy of intake records for dogs and cats being placed with the Lake County Animal Shelter for the 2024 calendar year and by category of stray, owner surrender or transfer. The request also sought copies of disposition records for the same period and the type of disposition such as adoption, euthanasia, or transfer.

From the file, it appears this request was originally made on April 14, 2025, with an almost identical request on June 4, 2025. On June 4, 2025, the Deputy Commander for Respondent informed Complainant that the records request had been forwarded to the attorney. No other relevant correspondence was presented by either party such as a written denial or acknowledgement of the April request.

Respondent states in its response of November 21, 2025, that the information was not available from Respondent's record system in a manner to afford the production of responsive records. The Respondent's records do not provide for the segregation of records by species or intake/disposition type. The response continued to state that Respondent is not required to create a record in a format that doesn't exist. We concur.

Neither party provided this office with evidence that a denial of the request was sent in writing before the November 21, 2025 formal response. APRA requires a timely response to record requests, whether the request will be denied or the records provided within a reasonable time. If November is the first written denial of the records request, then that violates the reasonable time for a response under APRA. IC 5-14-3-3(b).

Finally, Respondent has offered, in its response, that if Complainant would like to review/inspect records, the Lake County Sheriff's Office and Lake County Animal Shelter would oblige that request if properly made.

CONCLUSION

This office finds that the Respondent did not violate APRA by failing to provide records because they do not exist as requested. However, Respondent may have violated APRA by the delay in sending a written denial to Complainant.



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