



STATE OF INDIANA

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April 20, 2026

Re: Complaint 25-FC-255
Kimberly Wheeler-Coffey (Complainant) v.
Johnson County Prosecutor's Office (Respondent)

This advisory opinion is issued in response to a complaint dated September 24, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 22, 2025, requesting a formal response by November 20, 2025. A formal response, submitted by Prosecutor Lance Hamner on behalf of Respondent, was received in this office on November 3, 2025.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to provide a denial, copies of records, or explanation.

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 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 complaint states that Complainant made at least seven (7) APRA requests related to a specific criminal case between June 2021 and the date of her

complaint to this office on September 24, 2025. The records requested were “all information including reports, written notes, photos, recordings, videos, recorded statements, and any documents that state why this case was never charged, along with the Indiana laws that would define the decision as appropriate.” Complainant states that the Respondent, while never denying her request, also did not provide any responsive records.

In Respondent’s November 3, 2025, response, it explained that Complainant and Respondent’s representatives met to discuss the case and Complainant’s desire to reopen the investigation. It appears that sometime after Complainant’s filing September 24, 2025, Respondent made the decision to reopen the criminal case, which is being investigated by the Greenwood Police Department. In the same response to our office, Respondent claimed the investigatory records exception under IC 5-14-3-4(b)(1) and the work product exception under IC 5-14-4-4(b)(2), for withholding the records requested by Complainant.

A law enforcement agency has discretion under the investigatory records exception to decide whether to disclose records or not. The caveat is that where public records contain disclosable and non-disclosable information, the public agency shall, upon receipt of a request for public records, separate the material that may be disclosed and make it available for inspection and copying. IC 5-14-3-6(a). The investigatory record exception should not be invoked on a blanket basis for all records in a request. Where a records request seeks copies of publicly released exhibits or other publicly released documents, those records are disclosable. *Opinion of the Public Access Counselor 25-FC-124.*

Complainant argues that the Respondent did not deny the records request in writing, even though Complainant requested a written denial on multiple occasions, one of which was an email dated April 28, 2025. Respondent did not deny the request:

- 1) in writing;
- 2) with a statement of specific exemption or exemptions authorizing the withholding of all or a part of the public record; and
- 3) did not provide the name and title or position of the person responsible for the denial as required under APRA.

IC 5-14-3-9(d). However as above, Respondent’s response of November 3, 2025, includes a denial based on the investigatory records exception. It appears that the exemption was applicable throughout the ongoing conversations and should have been provided to Complainant much earlier.

Although Complainant requested records, from her submitted complaint with correspondence, it appears that her goals were to understand why the criminal case did not move forward and/or to have the case reopened. If Respondent had denied the request, the conversation with Complainant would have effectively been closed. Instead, Respondent opted to continue the conversation with Complainant through emails and meetings, outside of APRA, resulting in the reopening of the criminal case.

CONCLUSION

This office finds Respondent may have violated APRA by failing to provide a proper, timely denial as discussed above.

A handwritten signature in black ink, appearing to read "Jennifer G. Ruby". The signature is written in a cursive, flowing style.

Jennifer G. Ruby
Public Access Counselor