



STATE OF INDIANA

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September 1, 2026

Re: Complaint 25-FC-428
Sachi McClendon (Complainant) v.
Indiana State Police (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed December 10, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on February 18, 2026, requesting a formal response by March 18, 2026. A formal response, submitted by Legal Counsel Cynthia Forbes on behalf of Respondent, was received in this office on February 24, 2026.

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

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(s). 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 filed an APRA request on November 28, 2025, as follows:

I am requesting a copy of each CTS Individual Report that your forensics laboratory received from Collaborative Testing Services (CTS) for CTS Test No. 23-5262 (Firearms Examination). CTS is a company that creates and distributes proficiency tests for forensic laboratories. It sends standardized test samples to labs and then provides reports showing how each examiner performed. The "Individual Report" is the completed assessment, which includes the examiner's answers. I am requesting the individual

report for each examiner who took the test at your agency. For instance, if several examiners took CTS Test No. 23-5262, I would like a copy of each examiner's report.

Respondent denied Complainant access to copies of the records on December 10, 2025, citing exceptions for test questions at IC 5-14-3-4(b)(3) and (4):

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

...

(3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again.

(4) Scores of tests if the person is identified by name and has not consented to the release of the person's scores.

Respondent exercised its discretion by denying Complainant access to examinations reports of certain individuals pursuant to APRA provisions that specifically allow the public agency such discretion.

Respondent further explains:

A proficiency test should be included in this definition. Proficiency testing may result in negative/positive performance evaluation(s), remedial training, dismissal, or allow for continue training and employment. It is an exam the same as a standardized test, but tests competency in another form.

Then Respondent distinguishes and justifies a specific release:

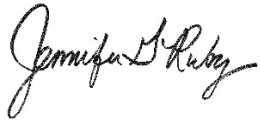
The ISP Forensic Services Division is accredited to ensure our employees are experts in their disciplines to a national standard, which allows them to testify in criminal causes as such. Sharing proficiency testing with an accreditation body, which is obtained for service and does not further release the records, should not therefore require all records that are submitted to become public.

IC 5-14-3-4(b)(3) and (4) is a discretionary exception to APRA and the discretion is held by the Respondent. This means that Respondent can choose to whom, when and if the information is released. It also means Respondent can release to one entity for a specific purpose and not release the same

information to another. Releasing the information to one entity does not invalidate the discretionary exception.

CONCLUSION

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

A handwritten signature in black ink, appearing to read "Jennifer G. Ruby". The signature is fluid and cursive, with the first name "Jennifer" being more prominent.

Jennifer G. Ruby
Public Access Counselor