



STATE OF INDIANA

MIKE BRAUN, Governor

**PUBLIC ACCESS COUNSELOR
JENNIFER RUBY**

Indiana Government Center South
402 West Washington Street, Room W470
Indianapolis, Indiana 46204-2745
Telephone: (317) 234-0906
Email: pac@opac.in.gov
Website: www.IN.gov/pac

August 28, 2026

Re: Complaint 26-FC-003 & 26-FC-061
Stephanie E. Ashley (Complainant) v.
Vigo County Sheriff's Department (Respondent)

This advisory opinion is issued in response to the above-referenced complaints filed on January 2, 2026, and January 19, 2026.

A formal response addressing each of the complaints, submitted by Attorney David P. Friedrich of Wilkinson, Goeller, Modesitt, Wilkinson & Drummy, LLP on behalf of Respondent, were received in this office on April 10, 2026, and August 27, 2026.

The complaints both allege that Respondent violated the Access to Public Records Act (APRA) by failing to provide records and by failing to respond to requests in a reasonable amount of time.

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 Access to Public Records (APRA) request on November 10, 2025, seeking bodycam footage from the Respondent, and on December 31, 2025, seeking more exhaustive documentation and policy information. The second request was treated as a request under APRA but certain elements are more similar to questions. 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.

Opinions of the Public Access Counselor 13-FC-124 and 25-FC-152. However, Opinions of the Public Access Counselor 24-FC-34 and 25-FC-152 state it as:

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

This does not mean an agency cannot answer questions, but that those questions and related answers are not required under APRA or the jurisdiction of this office.

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 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 25-FC-034. The Respondent relies on factor 1, explaining that Complainant was unavailable when offered in November and the officer tasked with record keeping of bodycam footage was unavailable in December because of vacation time. The Respondent further explains that it has fulfilled the Complainant’s request since the filing of the complaints, and forwarded a January 23, 2026, letter where it provided the requested emails and documentation and answered certain questions with appropriate code cites, as evidence.

Neither the timeframe from November 10 to December 31, 2025, nor the timeframe from December 31, 2025, to January 23, 2026, are unreasonable, given the number of federal and state holidays (approximately four (4) usually with two (2) additional days – one each around Thanksgiving and Christmas) along with considering Complainant’s unavailability and Respondent’s unavailability due to staffing issues.

After reviewing all of the requested records provided, Complainant asked for emails mentioned in some of the correspondence as well as Respondent’s

Complaint Policy. Respondent had officers review their emails again to see if they could find the emails Complainant was searching for. They only found “no recipient” emails on October 15 and 16 from Sheriff Fell, documented by a screenshot. Respondent forwarded to Complainant this information along with the “no recipient” screenshot, the October 16th email from Sheriff Fell following up on her Sheriff’s Office complaint, and Respondent’s Complaint Policy. All of this was forwarded on May 9, 2026.

The January 14, 2026, letter to Complainant from Attorney Friedrich stated that:

Sheriff Fell confirmed policies requester were provided by Deputy Fox and Chief Deputy Meng had reviewed and responded to your complaint.

Therefore, it appears that the policy request was fulfilled between October 16, 2025, and the date of the letter on January 14, 2026, as well as again potentially with the January 23, 2026, letter and again with the May 9, 2026, letter. It is unclear if the “no recipient” emails were forwarded prior to May 9, 2026.

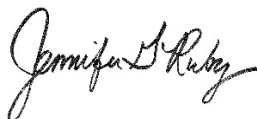
However, it appears that the May 9, 2026, response was to an additional request or a clarification request made by Complainant after the complaint was filed and after the APRA was submitted.

Complainant still believes certain emails are missing. Respondent has stated that it has provided Complainant with all emails, searched again, and again provided her, not with emails, but screenshots of “no recipient” emails due to a email address issue. This office is not a trier of fact as to whether all the emails Complainant wanted to receive have been provided.

However, this office has on numerous occasions opined that the public agency is not required to provide records that do not exist nor is it required to create such records. *Opinion of the Public Access Counselor 25-FC-112.*

CONCLUSION

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



Jennifer G. Ruby
Public Access Counselor