



STATE OF INDIANA

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September 4, 2026

Re: Complaint 26-FC-037
Kristopher H. Bilbrey (Complainant) v.
Madison County Sheriff's Department and Government (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on January 20, 2026.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on July 30, 2026, requesting a formal response by August 27, 2026. A formal response, submitted by Attorney William Cain of Graham, Farrer & Wilson, P.C. on behalf of Respondent, was received in this office on September 1, 2026.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) when it failed to produce the requested records and claimed exception under the investigatory records exception.

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. 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).

The Complainant, on December 19, 2025, requested copies of documents related to a specific individual and a criminal case. The request included copies of payments to the individual from jail commissary and county accounts as well as emails from the Sheriff to the individual. The issue regarded potential reward money requested by or paid to the individual.

Respondent replied on December 19, 2025, and denied the request citing the investigatory record exception at IC 5-14-3-4(b). Complainant alleges that the requested records are standard records and not properly covered by the investigatory records exception.

The investigatory records exception, allowed at the discretion of the public agency, provides, in the relevant part:

(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:

(1) Investigatory records of law enforcement agencies or private university police departments. For purposes of this chapter, a law enforcement recording is not an investigatory record.

IC 5-14-3-4(b).

The definition of investigatory record is:

(j) "Investigatory record" means information compiled in the course of the investigation of a crime.

It is unclear how the actual payments or non-payment to an individual would be considered compiled in the investigation of a crime, when the person appears not to be related to the crime. Generally, the public has a right to know how public funds have been spent. But Respondent has determined that they are covered within the exception, in the discretion of the public agency, and stated so in the original denial and its formal response to this complaint.

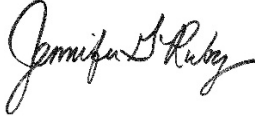
APRA requires the redaction of non-disclosable information if a public record contains disclosable and non-disclosable information by separating the information that may be disclosed and making that information available for inspection and copying. IC 5-14-3-6(a). Should part of the requested information not have been critical to the investigation, Respondent is required to provide redacted records.

Complainant may want to also review IC 5-14-3-9(e) which states:

A person who has been denied the right to inspect or copy a public record by a public agency may file an action in the circuit or superior court of the county in which the denial occurred to compel the public agency to permit the person to inspect and copy the public record.

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 written in a cursive, flowing style.

Jennifer G. Ruby
Public Access Counselor