



STATE OF INDIANA

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September 11, 2026

Re: Complaint 26-FC-064
Noah R. Leininger (Complainant) v.
Indianapolis Metropolitan Police Department [IMPD] (Respondent)

This advisory opinion is issued in response to the above-referenced complaint submitted to this office on January 31, 2026.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on March 6, 2026, requesting a formal response by April 3, 2026. A formal response, submitted by Anne Harrigan, Chief Legal Counsel on behalf of Respondent, was received in this office on April 3, 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 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(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 alleges that Respondent violated APRA when it failed to provide all the records requested by its formal APRA requests. Complainant filed three (3) APRA requests on June 4, 2025, seeking the records on thirty (30) officers and employees, per each request, as to their rank, discipline, commendations/letters of appreciation/awards and assignments.

The requests were acknowledged within seven (7) days with the first request being partially fulfilled on June 11, 2025. Respondent provided records on 28 of the 30 officers included in the first request. Complainant received no other

records and submitted numerous requests for updates over a five (5) month period. On November 3, 2025, Respondent provided records on 13 of the 30 employees, the subject of the second request.

Complainant also requested additional records regarding use of force, CAD files, incident reports, affidavits and media narratives related to six (6) specific CAD entries. Complainant states that at the time of the complaint filing that no additional records had been provided nor had any written denials been made.

APRA states that if a person makes a request by phone or in person, the public entity needs to acknowledge the request within 24 hours. However, if a person submits the request by email, fax or postal mail, the public entity has seven (7) days to acknowledge the request. If the request is not acknowledged within these timeframes, it is considered a constructive denial. IC 5 14-3-4.4(c)(1) & (2).

Once the public entity has acknowledged the request, it has additional “reasonable” time to research and produce the documents that have been requested.

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.

Opinions of the Public Access Counselor 25-FC-034 and 25-FC-071.

Respondent stated in its formal response that additional responsive records were provided on April 2, 2026. Respondent attributed the delay in responding to the records request to several mitigating matters and a policy review. Respondent cited that it had received 4200 APRA requests between June 2025 and March 2026. Staffing was also cited as impacting the time to issue APRA responses due to having less than two (2) fulltime paralegals to review

complaints, limited attorney resources to review responses, and moving of the IMPD offices within the City County Building.

Respondent also discussed the need during this time, as a result of the APRA requests, to formulate a policy regarding undercover officers and the disclosure of information. Some information related to the requests were withheld as being nondisclosable based upon undercover officers and Respondent's policy to not disclose that information. Additional information was withheld under the provision for deliberative materials, citing IC 5-14-3-4(b)(6).

APRA provides that an undercover officer's information may be withheld at the discretion of the public agency:

(22) Notwithstanding subdivision (8)(A), the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first employment of a law enforcement officer who is operating in an undercover capacity.

IC 5-14-3-4(b)(22).

APRA also provides for a discretionary exception for those matters considered deliberative within the agency's policy considerations:

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

IC 5-14-3-4(b)(6).

Respondent discusses withholding both confidential undercover officer information and deliberative materials at the discretion of the public agency. We have no evidence that those positions were relayed to the Complainant in a written or timely manner. These exceptions are considered denials but neither of them had been invoked in response to the APRA requests at the time of the complaint.

APRA provides that a denial must be in writing, not a result of protracted waiting on responsive records:

(d) If a request is made orally, either in person or by telephone, a public agency may deny the request orally. However, if a request initially is made in writing, by facsimile, or through enhanced access, or if an oral request that

has been denied is renewed in writing or by facsimile, a public agency may deny the request if:

- (1) the denial is in writing or by facsimile; and*
- (2) the denial includes:*

(A) a statement of the specific exemption or exemptions authorizing the withholding of all or part of the public record; and

(B) the name and the title or position of the person responsible for the denial. IV 5-14-3-9(d).

Respondent clarified its intent to deny certain records, in its formal response to this office.

Based upon the records submitted by both parties, it does not appear that a denial was provided to Complainant in a timely manner. The initial APRA requests were made in June 2025, but the majority of the responsive records was not received until April 2026, after receipt of the Notice of Complaint for this filed complaint. A period of about ten (10) months is not reasonable, and Respondent in its response acknowledges that:

- “communications could have been better”
- “the length of time it has taken to provide responses to all of these requests”
- some procedural decisions caused delays, but
- at least one of those delays should “produce quicker results in the future”.

Lastly, Respondent states, it “continuously endeavors to improve their ability to respond to public records requests in a timely manner, and will utilize this Complaint as an opportunity to address issues identified and continue in our efforts to improve our public records response.”

CONCLUSION

This office also finds that Respondent violated APRA by failing to produce or deny records within a reasonable period of time.



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