



STATE OF INDIANA

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November 6, 2025

Re: Complaint 25-FC-013
Frank Wesseling (Complainant) v.
Indiana State Police (Respondent)

This advisory opinion is issued in response to a complaint 25-FC-013 filed by Frank Wesseling (Complainant) dated February 13, 2025.

A Notice of Complaint, along with a copy of the complaint, was submitted to the Indiana State Police (Respondent) on February 17, 2025, requesting a formal response from the Respondent. The Respondent issued a formal response to the complaint, dated March 10, 2025, to this office.

The complaint alleges that the Respondent issued a blanket denial of Complainant's Access to Public Records Act ("APRA") request and is required to identify each individual record and the reason for its denial. The complaint further alleges that Respondent did not evaluate each requested record upon which to base Respondent's denial or that some records would have been non-investigatory and/or subject to redaction and then release.

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.

Accordingly, any person has the right to inspect and copy the public records during regular business hours of the agency unless the records are excepted from disclosure as confidential or otherwise non-disclosable under APRA.

IC 5-14-3-4 provides that certain records may be excepted from mandatory disclosure at the discretion of the public agency. Investigatory records of law enforcement are one such exception. IC 5-14-3-4(b)(1).

The Complainant requested copies of documents related to the investigation of the Delphi, Indiana murders of two (2) teenage girls. Specifically, it requested crime scene images and transcripts, imagery of a person related to the investigation, all documents related to a Mitch Westerman case and the investigative war room layout. It appears that all record requests were directly related to the Delphi case. Complainant disagrees with what he considers a “blanket denial” by the Respondent, asserting that individual records were not considered, how releasing the requested records would compromise an active investigation and how no records were deemed public record and disclosable or at least redacted and then released.

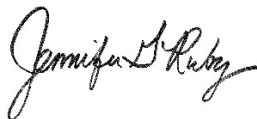
The response by Respondent projects a more deliberative review of the record request, disputing Respondent’s assertion of a “blanket denial”. The Respondent references individual record requests and links them to the ongoing investigation referenced therein. The Respondent clearly invokes the investigatory records exception in denying the requests. The Respondent has the discretion to withhold those records that they deem as investigatory records from disclosure. IC 5-14-3-4(b)(1).

The Indiana Court of Appeals in *Lane-El v. Spears*, 13 N.E. 3rd 859 (Ind. Ct. App. 2014) stated that a denial should clearly provide the exemption being claimed in the public agency’s denial. Respondent has done that and cites the investigatory record exception. The court further finds that investigatory records are not limited to records, the disclosure of which would interfere with ongoing law enforcement proceedings. The Court goes on to say that it “will not contravene the Legislature’s intent in creating an explicit exception to the APRA by limiting investigatory records to records of active investigations”.

The *Lane-El* Court also recognizes that a person who has been denied access to public records may file an action in the circuit or superior court of the county in which the denial was made, placing the burden of proof on the public agency denying the request.

CONCLUSION

This office finds that the Indiana State Police did not violate the Access to Public Records Act by denying the disclosure of the requested records under the investigatory records exception.



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