



# STATE OF INDIANA

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November 19, 2025

Re: Complaint 25-FC-019  
P. Joseph Coutts (Complainant) v.  
Carroll County Sheriff's Office (Respondent)

This advisory opinion is issued in response to the above-referenced complaint dated January 24, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 14, 2025, requesting a formal response by November 12, 2025. A formal response, submitted by Carroll County Sheriff Tony Liggett and Counsel Craig M. McKee of Wilkinson, Goeller, Modesitt, Wilkinson & Drummy, LLP for Respondent, was received by this office on November 7, 2025.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to provide copies of records of a murder investigation, that the request was improperly and untimely denied by the prosecutor's office and that the denial should have come from Respondent.

## **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 the APRA, and therefore subject to its requirements. IC 5-14-3-2(q). 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).

Documents submitted with the complaint show that Carroll County Prosecutor Nicholas McLeland responded to the complaint on January 22, 2025, nine (9) days after the records request.

The APRA provides that a records request made in writing results in a constructive denial of that request when seven (7) days have lapsed from the date of the request. IC 5-14-3-9(c). The request was denied, prior to the more detailed denial sent by the Prosecutor's Office a few days later. The denial was not a violation of the APRA.

APRA does not care who makes the denial. IC 5-14-3-9(d) provides that a request that has been denied in writing must provide:

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

(B) the name and the title or position of the person responsible for the denial." IC 5-14-3-9(d)(2).

The requirements of the statute were met. The Prosecutor denied the record request. The Prosecutor issued the denial letter at the request of the Respondent because Respondent knew due to the prosecution of the case, the Prosecutor held the actual records that had been requested.

Respondent is also a law enforcement agency for purposes of the investigatory records exception. IC 5-14-3-2(q)(6). APRA defines "investigatory record" as "information compiled in the course of the investigation of a crime." IC 5-14-3-2(i). In other words, APRA speaks to information gathered, accumulated or prepared in or during the investigation of a crime. The burden is on the public agency to base a denial of public disclosure with specificity and not by relying on a conclusory statement. IC 5-14-3-9(g)(1)(B).

Neither the Complainant nor Respondent suggest that the records requested were anything but public records. Respondent in its response stated that Complainant was denied a copy of the case file because Respondent deemed it an investigatory record pursuant to IC 5-14-3-4(b)(1).

IC 5-14-3-4 (b) provides that "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..."

Respondent has discretion to release or not release the records by statute. The response stated that the records sought were records of an investigation into the ongoing murder case of two (2) Delphi teenagers.

Complainant takes exception to the use of the investigatory records exception since the case was tried, the defendant was convicted, and sentencing has been

completed. However, the investigatory exception does not apply to only current investigations. The Indiana Court of Appeals has ruled that "...APRA does not limit the definition of investigatory records to those that will interfere with active law enforcement proceedings." *Lane-El v. Spears*, 13 N.E. 3d 859, 872. (Ind. Ct. App. 2014). The Court went on to say that "We will not contravene the Legislature's intent in creating an explicit exception to the APRA by limiting investigatory records to records of active investigations." *Id.*

Therefore, the exception as claimed by Respondent is clearly within Respondent's discretion and applies even after the investigation and case have been closed.

## **CONCLUSION**

This office finds that the Respondent did not violate the APRA by failing to provide the records as requested and properly stating the reason for not releasing them as investigatory records of a law enforcement agency. Further, denying party and method(s) of denial were proper under the applicable statutes.

A handwritten signature in cursive script, reading "Jennifer G. Ruby".

Jennifer G. Ruby  
Public Access Counselor