



STATE OF INDIANA

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January 9, 2026

Re: Complaint 25-FC-078
Braden Eggert (Complainant) v.
Noblesville Police Department (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed April 12, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 23, 2025, requesting a formal response by November 21, 2025. A formal response, submitted by Jonathan Hughes of Bose McKinney & Evans LLP on behalf of Respondent, was received in this office on November 25, 2025.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to provide copies of a requested bodycam and dashcam recordings.

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(q). 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).

APRA contains exceptions-both mandatory and discretionary to the general rule of disclosure. In particular, APRA prohibits a public agency from disclosing certain records unless access is specifically required by state or federal statute or is ordered by a court under the rules of discovery. IC 5-14-3-4(a).

In addition, APRA lists other types of records that may be excepted from disclosure at the discretion of the public agency. IC 5-14-3-4(b).

Complainant submitted multiple public records requests, dating back to February 23, 2025, for documents and bodycam and dashcam recordings. Multiple documents were provided to Complainant with the exception of copies of the requested bodycam and dashcam recordings. Respondent confirmed for Complainant on May 5, 2025, that the request for the recordings was denied previously based on IC 5-14-3-5.1.

APRA provides that law enforcement recordings are not investigatory records for purposes of excluding such recordings from disclosure. IC 5-14-3-4(b)(1):

(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....**

Respondent cited IC 5-14-3-5.1 as the authority to exclude the bodycam and dashcam recordings from disclosure, which provides the “requestor” the opportunity to “inspect” the recordings in the presence of the requestor’s attorney and the recordings may not be copied or recorded during an inspection. Before inspection by requestor law enforcement is required to obscure certain information. We interpret this provision to allow persons with a vested interest to view the entirety of the recordings for possible insurance or litigation purposes. We do not agree this allows non-disclosure in this case nor did complainant request to inspect the recordings.

IC 5-14-3-5.2 provides that “any person” shall be permitted to inspect or copy a law enforcement recording unless the public agency finds, after due consideration of the facts of the particular case, that access to or dissemination of the recording:

- (A) creates a significant risk of substantial harm to any person or to the general public
- (B) is likely to interfere with the ability of a person to receive a fair trial by creating prejudice or bias concerning the person or a claim or defense presented by the person;
- (C) may affect an ongoing investigation, if the recording is an investigatory record of a law enforcement agency as defined in IC 5-14-3-2, notwithstanding its exclusion under IC 5-14-3-4(b)(1);

(D) would not serve the public interest.

Respondent did not invoke any of the exceptions outlined herein.

Bodycam and dashcam recordings are disclosable records subject to redaction as provided above. If a public record contains disclosable and nondisclosable information, the public agency shall, upon receipt of a request under this chapter, separate the material that may be disclosed and make it available for inspection and copying. IC 5-14-3-6.

Respondent did not cite any provisions that would preclude the Complainant from receiving a copy of the requested recordings.

CONCLUSION

This office finds that the Respondent violated the APRA by failing to provide copies of the requested recordings after applicable redaction.



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