



STATE OF INDIANA

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November 19, 2025

Re: Complaint 25-FC-251
Christopher Lochner (Complainant) v.
Indiana State Police (Respondent)

This advisory opinion is issued in response to the above-referenced complaint dated September 21, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to Respondent on October 24, 2025, requesting a formal response by November 24, 2025. A formal response, submitted by Respondent's Legal Counsel Cynthia Forbes, was received by this office on November 3, 2025.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by failing to provide a copy of a case file as requested on September 9, 2025.

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).

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).

The complaint does not raise issues with whether or not the Respondent properly responded to the request in a timely manner, and 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), which 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...

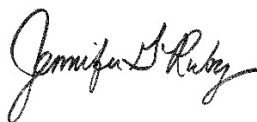
Respondent has discretion to release or not release the records by statute. The response stated that the requested report was compiled by Respondent during an official misconduct investigation, IC 35-44.1-1-1, wherein charges were not filed by the Prosecutor's Office, after review.

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 its discretion and applies even after the investigation into the matter has 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.



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