



STATE OF INDIANA

MIKE BRAUN, Governor

**PUBLIC ACCESS COUNSELOR
JENNIFER RUBY**

Indiana Government Center South
402 West Washington Street, Room W470
Indianapolis, Indiana 46204-2745
Telephone: (317) 234-0906
Email: pac@opac.in.gov
Website: www.IN.gov/pac

July 13, 2026

Re: Complaint 25-FC-296
Carlie Dunn (Complainant) v.
Michigan City Police Department (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed October 16, 2025.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on October 21, 2025, requesting a formal response by November 19, 2025. A formal response, submitted by Amber Lapaich-Stalbrink, Corporation Counsel on behalf of 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 the requested records.

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 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(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).

Complainant filed an APRA request on July 18, 2025, seeking a copy of Respondent’s:

- 1) Internal complaints, misconduct reports, or citizens’ complaints filed against any officer or employee of the Department.
- 2) Final determinations or findings of disciplinary action, including written reprimands, suspensions, demotions or terminations.

The request was acknowledged the day it was received by Respondent. The responding employee, the Public Information Officer (PIO), requested that Complainant be specific in which officers' information was being requested. Complainant declined to narrow the request, instead, the Complainant reaffirmed the requested records "for all current agents".

On October 12, 2025, after several requests for a status report of the APRA request by Complainant, PIO replied that the APRA request had been held up by an unexpected network issue. Respondent offered to provide some records which were kept on a separate system, if Complainant would accept partial fulfillment of the APRA request. Complainant agreed to accept partial fulfillment but received no records.

On October 31, 2025, the Respondent provided Complainant with a response from its legal department that:

- 1) Denied the first item of the request because the complaints, misconduct reports, or citizens' complaints are contained within the personnel file. IC 5-14-3-4(b)(8).
- 2) That the second component of the request "for all current agents" was overly broad (lacked reasonable particularity) but Respondent was willing to work with Complainant to fulfill a narrowed request. IC 5-14-3-4(b)(8).

A public agency may not deny or interfere with the exercise of the right stated above. If the public agency does not deny the request, within a reasonable time after the request is received by the agency the public agency shall either:

- (1) Provide the requested copies to the person making the request; or
- (2) Allow the person to make copies:
 - (A) on the agency's equipment; or
 - (B) on the person's own equipment.

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

APRA further provides that the following records shall be excepted from disclosure at the discretion of the public agency:

- (8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.

However, all personnel file information shall be made available to the affected employee or the employee's representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name. IC 5-14-3-4(b)(8).

Therefore, Complainant's request of "1) Internal complaints, misconduct reports, or citizens' complaints filed against any officer or employee of the Department", is part of Respondent's employment records and not subject to the exception above. We concur with Respondent.

For Complainant's request of "2) Final determinations or findings of disciplinary action, including written reprimands, suspensions, demotions or terminations", while not specifically stating that the record request lacked "reasonable particularity", the Respondent found the request to be "too broad". APRA requires that record requests "must identify with reasonable particularity the records being requested." IC 5-14-3-3(a)(1). The statutes do not define the term "reasonable particularity".

The Indiana Court of Appeals addressed the meaning of the phrase in *Jent v. Fort Wayne Police Dept*, 973 N.E.2d 30 (Ind. Ct. App. 2012) which involved a request for daily incident logs. The court concluded that reasonable particularity in a record request "turns in part, on whether the person making the request provides the agency with information that enables the agency to search for, locate, and retrieve the records."

Complainant did not narrow her request as suggested by Respondent. The APRA request also did not specify the employment status of the employee or the time frame for which the request applied. We concur that the request was "too broad" because it lacked "reasonable particularity".

Complainant alleges that the records were not provided in a reasonable time frame, pursuant to statute. 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. *Opinions of the Public Access Counselor 20-FC-87 & 25-FC-132.*

However, this office has 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.

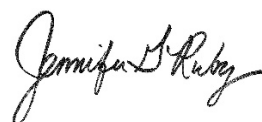
Opinions of the Public Access Counselor 25-FC-034 & 25-FC-132.

Respondent's final response to Complainant on October 31, 2025, determined that no records were disclosable. Respondent explained that due to the computer threat, which initiated on September 23, 2025, and was not totally resolved as of November 7, 2025, multiple subpoenas and multiple records requests (between 40-50) that there was justifiable delay in producing the records. The PIO turned the records request over to City Legal on October 31, 2025, the day Complainant received her denial. The delay was not about producing records but about coordinating a reasoned response to the Complainant to inform her of the denial.

CONCLUSION

This office finds that the Respondent, because of the issues facing the Respondent's staff, did not violate APRA by failing to provide records as alleged in the complaint.

However, if Respondent had provided the denial response to Complainant on a timely basis within thirty (30) days after Complainant's APRA request was submitted, then this particular complaint may not have been submitted to our office.



Jennifer G. Ruby
Public Access Counselor