



STATE OF INDIANA

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October 20, 2026

Re: Complaint 26-FC-131
Louise Morgan (Complainant) v.
Gary Police Department (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on January 19, 2026.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on August 8, 2026, requesting a formal response by September 1, 2026. Respondent was subsequently noticed on October 1, 2026, requesting a formal response by October 16, 2026. Respondent did not submit a formal response to the complaint at any time.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) when it failed to fully comply with her request for records.

ANALYSIS

The public policy of APRA states that “[p]roviding persons with the 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(s). 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 with Respondent on January 12, 2026, identified as Request #853. This request asked for records related to the shooting of a dog named Uno and, in summary, included:

1. All records related to the incident itself, including reports, communications with officers, and 911 calls from February 23, 2025.
2. All forensic and physical evidence from the scene of the shooting, including any photographs, lab submissions, and evidence logs.
3. Firearm and ballistics records related to the shooting.
4. Records concerning any investigation into the shooting and its outcomes.
5. Records concerning the prosecutor's decision to not file charges, including communications and intake documents.
6. Internal affairs records related to the incident.
7. Animal Control records, related to the incident, including identification of the personnel involved, personnel certification or training records, incident reports, and any evidence gathered.
8. Records containing communication about the incident within the City of Gary departments, including the Mayor's Office, Police Department, and Legal Department.
9. Records reflecting policies, training, and legal review, of circumstances similar to the shooting.
10. Records concerning transfer, custody, and retention, of records.

Complainant had previously filed a separate request for documents, identified as #843. This request also concerned the shooting of Uno, but was not a direct copy of #853. #853 requested additional records with greater detail. In response to #843, Respondent had issued a 19-page packet, and stated that no body-camera footage existed because police were not involved in an "actual shooting." In response to #853, Respondent directed Complainant to its response in #843, and further noted that she would need to contact the Prosecutor's Office for records pertaining to them, and Lake County Emergency Communications for records related to 911 calls.

In August of 2025, Complainant was made aware of three video files pertaining to her records requests, that were available for review after paying a fee. These video files were not provided for inspection in response to #853.

Complainant alleges Respondent violated APRA in:

1. Failing to provide itemized determinations
2. Failing to state which records exist or do not exist.
3. Failing to cite any statutory exemptions under IC 5-14-3
4. Failing to document that a reasonable search was conducted.
5. Failing to provide the three video files.

This office is not a finder of fact. As Respondent has not submitted a formal response to this Complaint, this office cannot unilaterally conclude why Respondent structured its response to #853 the way it did. However, this office has previously opined on circumstances where an APRA response lacked detail concerning its contents. In its opinion, this office noted:

“[this office] advise[s] agencies that are responding to an itemized request for documents to specify which documents that are being disclosed fit which request, making it clear to the person asking for records how the agency is responding. Also, the agency should clearly state in its response that it does not maintain a particular record.”

Opinion of the Public Access Counselor 04-FC-192.

Here, the provided responsive documents are preceded by an email stating “attached are all reports associated with the UNO the dog case.” If read literally, this response would include all reports of the incident. However, Complainant requested substantially more than just the written reports.

Respondent did not provide any indication of what records were denied, nor whether it did not maintain a requested record. Rather, Respondent provided 19 pages without annotation or description of what request they were meant to fulfill. Additionally, though Respondent noted that certain requests would need to be made with the Prosecutor’s Office or Lake County Emergency Communications, it did not specify whether this advisement was meant to cover all records outside of those provided, or specific requests made by Complainant.

If a public agency does not deny an APRA 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).

Here, it is evident on its face that Respondent did not satisfy, nor deny. Complainant’s APRA request in full. Certain records such as firearm and ballistics reports and document retention records have been clearly omitted. If Respondent intended to provide all responsive documents in its possession, it should have noted that either no other responsive documents existed or listed an exception under IC 5-14-3-4. As this was not done, this office opines that Respondent violated APRA.

Complainant also notes that Respondent had previously uncovered three video files, and that the existence of these videos was later denied. This office is not empowered to compel Respondent to produce records, though it notes that remedies exist under IC 5-14-3-9 if Complainant believes the video files are being withheld improperly.

CONCLUSION

This office finds that Respondent violated APRA as alleged in the complaint when it failed to properly fulfill or deny Complainant's APRA request.

A handwritten signature in black ink, appearing to read "Brittney A. Long". The signature is stylized with a large initial "B" and a long, sweeping underline.

Brittney A. Long
Public Access Counselor