



STATE OF INDIANA

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October 20, 2026

Re: Complaint 26-FC-107
Dustin Danai (Complainant) v.
Indianapolis Metropolitan Police Department (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed on March 7, 2026.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on March 30, 2026, requesting a formal response by April 20, 2026. A formal response, submitted by Daniel Harrison, Deputy Chief Legal Counsel, on behalf of Respondent, was received in this office on April 20, 2026.

The complaint alleges that the Respondent violated the Access to Public Records Act (APRA) when it failed to provide the entire record that was requested.

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." 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).

On February 21, 2026, the Complainant filed an APRA request with Respondent requesting:

1. The Internal Affairs (IA) case number(s) associated with any investigation involving the Complainant that concluded in or around December 2024.

2. The final disposition of each IA investigation.
3. Any written summary of findings or factual basis for supporting the final disposition.
4. Any notice of discipline prepared or issued in connection with the investigation(s).
5. Any documentation reflecting or reference “resignation in lieu of discipline”.
6. Any entry in my personnel file reflecting the disposition of the IA matter(s).

On March 5, 2026, Respondent provided Complainant with a response entitled “Discipline History with Summary – Dustin Danai”. After receiving the document, Complainant emailed Respondent requesting:

1. The full IA investigation report.
2. Any audio or video recordings of interview conducted during the investigation.
3. Transcripts or written statements from interviews during the IA investigation.
4. Investigator notes and supporting documentation regarding the IA investigation.
5. The final disposition documentation from the IA investigation.

On March 6, 2026, Respondent informed Complainant that request was being withheld pursuant to IC 5-14-3-4(b)(6)¹.

Indiana Code 5-14-3-4(b)(6) provides an exemption for records that are,

“[r]ecords that intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.”

Respondent reiterates, in its formal response, that it withheld the records pursuant to IC 5-14-3-4(b)(6), but also included an argument for withholding the records pursuant to IC 5-14-3-4(b)(8). It also notes it provided Complainant “factual basis and summary” of his discipline in the March 5, 2026, email, therefore, complying with IC 5-14-3-4(b)(8)(C).

¹ Complainant states in the complaint Respondent provided IC 5-14-3-4(b)(1) as the reason for withholding. But the email attached to the complaint provides specifically IC 5-14-3-4(b)(6).

Indiana Code 5-14-3-4(b)(8) provides an exception to APRA for “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.”

This exception does not permit a blanket withholding of all personnel-related records.

This office has addressed whether the deliberative materials and employee personnel files exceptions apply to the records at issue here in *Opinion of the Public Access Counselor 21-FC-203*. That matter dealt with IA records as well. This office reasoned pertaining to the deliberative materials argument,

“Internal affairs investigations undoubtedly are a fact-finding exercise but may also contain subjective opinions regarding a sequence of events. They are used in the decision-making process insofar as disciplinary recommendations are concerned.

The factual elements of an investigation are not inherently speculative or opinion-based and could not be qualified as deliberative. Subjective narratives that include notional information may be withheld.”

Id. Further, this office has found that internal affairs investigation materials are “very much apropos of employee management. To the extent they qualify as a personnel file documentation is not an illogical leap.” *Id.* Therefore, at the very least, internal affairs documentation is “personnel-file-adjacent” and qualifies for withholding under the employee personnel file exception.

This office opines that the current circumstances fall within the same analysis as described above. The records Complainant requested were IA records containing opinions and recommendations regarding whether he had violated administrative policy and personnel-file-adjacent material. The material was

properly withheld pursuant to the deliberative materials and employee personnel files exceptions.

CONCLUSION

This office finds that Respondent did not violate APRA as alleged in the complaint.

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