



STATE OF INDIANA

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September 28, 2026

Re: Complaint 26-FC-120
Bryan Wolfe (Complainant) v.
Fulton County Sheriff's Office (Respondent)

This advisory opinion is issued in response to the above-referenced complaint filed March 11, 2026.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondent on March 20, 2026, requesting a formal response by April 20, 2026. A formal response, submitted by Michelle L. Cooper, of Lewis Kappes, on behalf of Respondent, was received in this office on April 20, 2026.

The complaint alleges that Respondent violated the Access to Public Records Act (APRA) by declining to provide records until the complainant paid a fee under IC 5-14-3-8(g)(1) and IC 5-14-3-2(e).

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 March 11, 2026, seeking both videos and photographs in possession of Respondent pertaining to an automobile crash. On that same day, the Respondent explained the cost would be \$150 per video to be produced and \$25 for photographs. The total cost would be \$475, which covered three (3) videos, one for each of the three (3) responding officers as requested and \$25 for the CD of the eleven (11) photographs which were responsive. Complainant said that Respondent explained that the department employed an "all or none" approach to the videos pertaining to an incident.

However, the way our office understands requests for videos, photographs, etc. is that the public agency must preserve the original for legal reasons, and therefore, a copy must be made to redact, blur, and produce a copy, even if only for viewing, to any requestor. Therefore, the copy fee applies and cannot be disregarded when someone merely wants to view or listen to the recording. *Opinion of the Public Access Counselor 25-FC-121.*

IC 5-14-3-2 provides:

(e) "Direct cost" means one hundred five percent (105%) of the sum of the cost of:

(1) the initial development of a program, if any;

(2) the labor required to retrieve electronically stored data;

(3) the labor required to:

(A) obscure nondisclosable information; and

(B) perform an administrative review to determine if all nondisclosable information has been obscured;

in a law enforcement recording; and

(4) any medium used for electronic output;

for providing a duplicate of electronically stored data onto a disk, tape, drum, or other medium of electronic data retrieval under section 8(g) of this chapter, or for reprogramming a computer system under section 6(c) of this chapter. However, if the labor described in subdivision (3) is performed by an attorney, the cost under subdivision (3) may not exceed reasonable attorney's fees.

As to the photographs, Complainant relied on *Opinion of the Public Access Counselor 20-FC-163(b)*, wherein this Complainant disputed the fee of five dollars (\$5) per photograph to the Logansport Police Department. This opinion can be distinguished from the current one in two (2) different ways: 1) the Indiana Legislature has modified the Code to read as above, and 2) the cost of \$25 is for a compact disk (CD) of the photos, which included eleven (11). Twenty-five dollars (\$25) divided by eleven (11) is approximately \$2.72 per photo. Additionally, Respondent considers this portion of the complaint moot as Complainant has paid the twenty-five dollars (\$25) and received the eleven (11) photographs.

As for the law enforcement recordings, Complainant requested the body camera footage for all three (3) investigating officers at the crash scene, which means there are three (3) body camera recordings to be copied, reviewed, and redacted before release. IC 5-14-3-8(g) provides:

(g) Except as provided by subsection (h), for providing a duplicate of a computer tape, computer disc, microfilm, law enforcement recording, or similar or analogous record system containing information owned by the public agency or entrusted to it, a public agency may charge a fee, uniform to all purchasers, that does not exceed the sum of the following:

(1) The agency's direct cost of supplying the information in that form. However, the fee for a copy of a law enforcement recording may not exceed one hundred fifty dollars (\$150).

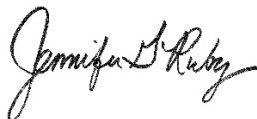
Respondent relied on Ordinance No. 02212023 Amending Fulton County Code Amending Section Sheriff's Office Fee Schedule which laid out the new fee schedule for services provided. It was signed by the Fulton County Council on March 21, 2023, and gave Respondent the authority to charge the fees that it did.

However, we followed up with Respondent to ensure that the fees charged do not exceed the statutory requirements. Respondent stated "that industry standards are that it takes approximately 4 hours of redaction production for every 1 hour of video requested. In addition, the County pays over \$60,000 for their BWC and In-car Camera System maintenance, storage and redaction software." A conservative estimate, not including staff time, is that Respondent will collect about six percent (6%) of their costs, which is well below one hundred five percent (105%). Therefore, this office finds that the copy fees do not exceed the fees allowed under APRA.

See also *Opinions of the Public Access Counselor 25-FC-152 and 25-FC-221*.

CONCLUSION

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



Jennifer G. Ruby
Public Access Counselor