



STATE OF INDIANA

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July 22, 2014

Ronald Glenn #850434
Wabash Valley Correctional Facility
P.O. Box 1111
Carlisle, IN 47838

Re: Formal Complaint 14-FC-136; Alleged Violation of the Access to Public Records Act by the Morgan County Coroner's Office

Dear Mr. Glenn,

This advisory opinion is in response to your formal complaint alleging the Morgan County Coroner's Office ("Coroner") violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* Ms. Annette R. Rohlman, County Coroner, has responded to your complaint; it is attached for your review. Pursuant to Ind. Code § 5-14-5-10, I issue the following opinion to your formal complaint received by the Office of the Public Access Counselor on June 27, 2014.

BACKGROUND

Your complaint originally dated June 1, 2014, alleges the Morgan County Coroner violated the Access to Public Records Act by not providing records responsive to your request in violation of Ind. Code § 5-14-3-3(b).

On May 8, 2014, you submitted a public records request to the Coroner seeking a copy of a Physician Coroner Report for a named individual and conducted by former coroner Terry Weddle. As of the submission of your formal complaint you had received no response from the Coroner's office.

In her response, the Coroner states your records request was addressed improperly. She attached to her response the Coroner's certification of death; however, she stated not all of the records responsive to the request are public record.

DISCUSSION

The public policy of the 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.” See Ind. Code § 5-14-3-1. The Morgan County Coroner is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). Accordingly, any person has the right to inspect and copy the Coroner’s public records during regular business hours unless the records are protected from disclosure as confidential or otherwise exempt under the APRA. See Ind. Code § 5-14- 3-3(a).

A request for records may be oral or written. See Ind. Code § 5-14-3-3(a); § 5-14-3-9(c). If the request is delivered in person and the agency does not respond within 24 hours, the request is deemed denied. See Ind. Code § 5-14-3-9(a). If the request is delivered by mail or facsimile and the agency does not respond to the request within seven (7) days of receipt, the request is deemed denied. See Ind. Code § 5-14-3-9(b). A response from the public agency could be an acknowledgement the request has been received and information regarding how or when the agency intends to comply.

As for the timeliness of the response, you mailed your request to 160 N. Park Ave., Martinsville, Indiana 46151; however, the Coroner’s letterhead indicates the correct address to be 640 E. Washington Street. The lack of a response from the office is likely due to the mislabeling of the address. Accordingly, the Coroner has not violated the APRA by failing to respond.

Please find attached the Coroner’s report responsive to your request. This document is disclosable pursuant to Ind. Code § 36-2-14-10(a). Moreover, the following records are disclosable as well:

- (a) Notwithstanding IC 5-14-3-4(b)(1), when a coroner investigates a death, the office of the coroner is required to make available for public inspection and copying the following:
 - (1) The name, age, address, sex, and race of the deceased.
 - (2) The address where the dead body was found, or if there is no address the location where the dead body was found and, if different, the address where the death occurred, or if there is no address the location where the death occurred.
 - (3) The name of the agency to which the death was reported and the name of the person reporting the death.
 - (4) The name of any public official or governmental employee present at the scene of the death and the name of the person certifying or pronouncing the death.
 - (5) Information regarding an autopsy (requested or performed) limited to the date, the person who performed the autopsy, where the autopsy was

performed, and a conclusion as to: (A) the probable cause of death; (B) the probable manner of death; and (C) the probable mechanism of death.

(6) The location to which the body was removed, the person determining the location to which the body was removed, and the authority under which the decision to remove the body was made.

(7) The records required to be filed by a coroner under section 6 of this chapter and the verdict and the written report required under section 10 of this chapter.

See Ind. Code § 36-2-14-18.

Please note other autopsy information is generally confidential to all but certain relatives under Ind. Code § 36-2-14 et.al. I am unfamiliar with the term “Physician Coroner Report” as you indicate in your request; however, if it is related to the autopsy, then the Coroner must withhold them. If you need additional information, I encourage you to clarify your request and address your clarification to the address listed in the Coroner’s response. If the additional information falls into one of the above-listed categories (and the information exists) you are entitled to one copy.

CONCLUSION

For the foregoing reasons, it is the Opinion of the Public Access Counselor the Morgan County Coroner’s Office has not violated the Access to Public Records Act.

Regards,

A handwritten signature in black ink, appearing to read 'LH Britt', with a long, sweeping underline.

Luke H. Britt
Public Access Counselor

Cc: Annette R. Rohlman, RN