



# STATE OF INDIANA

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January 7, 2015

Mr. Michael B. Smith  
Pendleton Correctional Facility  
4490 W. Reformatory Road  
Pendleton, IN 46064

*Re: Formal Complaint 14-FC-293; Alleged Violation of the Access to Public Records Act by the Brown County Coroner*

Dear Mr. Smith,

This advisory opinion is in response to your formal complaint alleging the Brown County Coroner ("Coroner"), violated the Access to Public Records Act ("APRA"), Ind. Code § 5-14-3-1 *et. seq.* The Coroner has responded to your complaint via Mr. Earl Piper, Chief Deputy Coroner. His response is enclosed 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 ("PAC") December 1, 2014.

## BACKGROUND

Your complaint dated November 24, 2014, alleges the Brown County Coroner violated the Access to Public Records Act (IC 5-14-3) by improperly denying you access to records.

On or about September 23, 2014, you sent a public records request to the Coroner for a complete report of your late wife's autopsy and the accompanying file. As of the date of your complaint you had not received the entirety of the records you seek. This may or may not be the result of the full file being transferred to Marion County. Your supplemental documentation to this Office; however, indicates Marion County had sent the records back to Brown County and they are available to be disclosed to you.

The Coroner responded to your complaint arguing that Marion County actually had not transferred the entirety of the file. The Coroner's office was still working to straighten out the misunderstanding and has been in communication with Marion County. The Coroner anticipates receiving the file soon, copying it and disclosing it to you.

## ANALYSIS

The public policy of the APRA states that “a (p)roviding person 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 Brown County Coroner is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2(n)(1). 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).

From the documentation provided, it appears as if the Brown County Coroner was at the mercy of Marion County in that the archived file is being transferred to their office upon request. Although you were told by Marion County the file had been transferred, it had not. This does not appear to be the fault of Brown County. While you are entitled to the reports you seek, and Brown County can be the agency which facilitates the disclosure, the custodian of the records is Marion County. It is my sincere hope the reports will be disclosed to you expeditiously, if it has not already been done.

## CONCLUSION

Based on the foregoing, it is the Opinion of the Public Access Counselor the Brown County Coroner did not violate the Access to Public Records Act.

Regards,

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

Luke H. Britt  
Public Access Counselor

Cc: Mr. Earl Piper