



STATE OF INDIANA

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October 27, 2026

Re: Complaint 26-FC-308
Sherry Richardson (Complainant) v.
Franklin County Coroner (Respondents)

This advisory opinion is issued in response to the above-referenced complaint filed on June 12, 2026.

A Notice of Complaint, along with a copy of the complaint, was sent to the Respondents on August 5, 2026, requesting a formal response by September 28, 2026. No formal response has been received from Respondent.

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

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(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 January 8, 2026, Complainant made a request for records/reports related to an autopsy of a specific individual, with the Hamilton County Coroner's Office and Crime Laboratory. That office responded to Complainant indicating she would need to reach out to Franklin County Coroner as the autopsy was done at the Franklin County Coroner's request.

On January 9, 2026, Complainant emailed Respondent requesting permission for Hamilton County to release the requested records.

On January 12, 2026, Respondent emailed Hamilton County and authorized the release of “the DNA to the private detective”.

On January 13, 2026, Complainant emailed Hamilton County to see if it had received Respondent’s email. Hamilton County responded that it had and “we are getting some clarification/guidance before anything is released.”

On January 19, 2026, Respondent emailed Complainant and stated, “unfortunately, I’m not going to release anything from this case unless it’s a court order. This is the advise I have been given.” Complainant responded the same day.

There has been no information provided to this office to indicate whether there was continued communication or any progress on this matter since the January 19, 2026 communications.

Indiana Code 5-14-5-7 requires that a complaint must be received within thirty (30) days from the denial. There is no indication in the records provided that there has been an attempt by Complainant to reactive the APRA request or reset the clock within that timeframe. Therefore, the complaint is technically considered untimely. Nevertheless, this office will issue this opinion for educational purposes and for clarification.

APRA provides that when a request is made in writing, and the agency denies the request, the agency must deny the request in writing and must include a statement of the specific exemption or exemptions authorizing the withholding of all or part of the record and the name and title or position of the person responsible for the denial. I.C. § 5-14-3-9(c). *See also Opinion of the Public Access Counselor 08-FC-98.*

Here, the request was made in writing. Respondent denied the request in writing. However, the denial did not include “a statement of the specific exemption or exemptions authorizing the withholding of all or part of the record.” The email denial response did provide the name and title or position of the person responsible for the denying the request.

Since the Respondent’s denial did not provide the specific exemption to support its denial, the Respondent has violated APRA.

This office is not opining on whether the requested documents fall within an exemption. This opinion is to educate the parties that a denial requires the inclusion of a specific exemption.

CONCLUSION

This office finds that, if this complaint was filed timely, the Respondent would have violated APRA by not providing a specific exemption to support denying access to the records.

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 Counsel