

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
Thomas Newman and RisCassi and) Report of Hearing Officer
Davis, Complainants)
) Docket #FIC77-139
)
) against)
) August 29, 1977
)
Coroner for Hartford County,)
Respondents)
)

The above captioned matter was heard as a contested case on August 11, 1977. Through clerical error the law firm of RisCassi and Davis was omitted from the Order to Show Cause in this matter. It is hereby added as a party complainant. At the aforesaid time the complainants and respondent appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record the following facts are found:

1. The complainant Newman was a party to a two car accident which occurred on March 28, 1977.

2. As a result of the accident the operator of one car died on March 30, 1977.

3. The respondent coroner scheduled an inquiry into the death of the aforesaid operator for July 25, 1977 at which the complainant Newman was to be a witness.

4. By letter dated July 15, 1977 the respondent coroner notified a member of the complainant law firm that he, as counsel for the complainant Newman, would be permitted to be present at the inquiry only during the complainant Newman's testimony.

5. On June 22, 1977 the complainants filed an appeal with the Commission from the decision denying them complete access to the inquest.

6. The respondent claims the denial of access to the inquest, which is the subject of his appeal, is exempted from the requirements of Sections 1-15 et seq., G.S., by Section 6-70, G.S., which authorizes him to order and cause witnesses to be kept separate so they cannot communicate with one another until they have testified.

7. It is found that respondent's exclusion of the complainants from portions of the inquest was an exercise of his powers under Section 6-70, G.S.

8. It is further found that the respondent's power to separate witnesses under Section 6-70, G.S., is a judicial function of the coroner's office and therefore to that extent it is not a public agency under Section 1-18a(a), G.S.

9. Consequently, it is concluded that this Commission has no jurisdiction over the respondent in this appeal.

The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

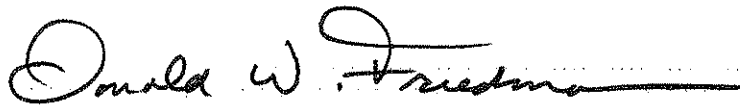
1. The complaint is dismissed.

2. These findings and this order are specifically limited to the facts presented in this case and nothing herein shall be construed as holding that any of the functions of the coroner's office, aside from the statutory power of the respondent coroner to separate witnesses, is a judicial function of his office.

3. While the Commission does not have jurisdiction to determine the constitutional issues raised by the complainants, it calls the respondent's attention to Article First, Section 10 of the Connecticut Constitution which provides:

All courts shall be open, and every person, for an injury done to his person, property or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay.

The Commission urges the respondent to use his judicial powers only where necessary in order to assure the broadest public access in keeping with the spirit of the above constitutional provision and the public policy underlying the Freedom of Information Act.



Commissioner Donald W. Friedman

as Hearing Officer

Approved by order of the Freedom of Information Commission
on September 14, 1977.



Charlene G. Arnold, Clerk of the
Commission