

SPOKANE COUNTY MEDICAL EXAMINER'S OFFICE

Statement of Policy, Procedure and Practice

Policy Title: **RELEASE OF INFORMATION TO THE PRESS, MEDIA, PUBLIC**

Policy:

Washington State law defines which individuals and agencies are entitled to autopsy reports, records, and information generated by the Medical Examiner's Office.

Because the cause and manner of death are recorded on the death certificate they are considered public record and as such can be released to individuals, news media, and agencies.

Procedures and Practices:

The following are guidelines for making information available to the press/media and the public:

All media should be directed to send their request and/or inquiries to medexam@spokanecounty.org.

If the media contacts an investigator after hours, weekends or holidays, via the phone line, the media should be advised that the line they are calling is for death investigation or grieving family members and all media should send their inquiries to medexam@spokanecounty.org.

Contact with news media is carefully considered.

1. As per State law in the case of unidentified remains, the media can be provided with detailed description and case information in order to facilitate identification.
2. In general, the cause and manner of death is public record and can be released to the media and any other agencies. However, State law allows that the Medical Examiner can withhold any information, which directly or indirectly identifies the decedent until next-of-kin has been notified, or a 48-hour notification period has elapsed. After the decedent has been identified and next-of-kin has been notified, the following information may be provided as per the procedure below:
 - The name and age (and date of birth, if known with certainty) of the deceased and the date that the person was found, or pronounced, dead.
 - The location or area of Spokane County or public institution where the deceased was found dead (i.e. Spokane River, 1500 block of Sprague, etc.)
 - The city and state or area of residence of the deceased (i.e. Spokane Valley, Eastern Washington, Coeur d'Alene, etc.)

3. If a death certificate temporarily lists “pending” as cause and/or manner of death, that information can be released without providing case-specific information (indicate that the case is still under investigation).
4. When a death or injury leading directly to death occurs in a custodial context (police custody, jail, state hospital, etc), the fact that a death occurred at-or-related-to a specific institution or agency may be released to the press/media or the public. The name of the institution or agency may be released at any time after the death is confirmed and has been reported officially to the Medical Examiner’s Office.
5. General information about deaths that are currently under investigation, or that have been officially reported to the Medical Examiner’s Office, may be made available at anytime (i.e. “We are looking into an apparent natural death in West Spokane,”; “A death has been reported to us as a probable drowning occurring near Upriver Park”; “A traffic-related death has been reported to us, it occurred on I-90 near Cheney” etc.)
6. Neither the autopsy report nor the contents thereof will be released to the media by any member of the Medical Examiner’s Office. Releasing confidential information from the autopsy report is considered grounds for dismissal. The toxicology report is considered part of the autopsy report. Two exceptions to the strict considerations revolving around contact with the media occur, one of which occurs when a decedent is not identified. In such cases, State law allows release of some information at the discretion of the Medical Examiner for distribution to the media and general public in order to aid in identifying a deceased individual. The second exception is a death “where the actions of a law enforcement officer have been determined to be the proximate cause of death”, a Medical Examiner may publicly discuss findings under certain circumstances. When exceptions occur the Office Manager and the Medical Examiners will deliberate as to what will be released to the media, and may seek legal counsel.

Procedure to Release Information to Media and Members of the Public

1. Individuals who request publicly releasable death certification information can call the Medical Examiner’s office, or make contact by e-mail at MedExam@spokanecounty.org. They will be provided information (as listed above), or can be directed to the “Media Release Information” tab, on the Medical Examiner’s web page, if public information is already available on the site.
2. New Media are directed to make all requests for decedent information via the Medical Examiner group e-mail account (MedExam@spokanecounty.org).
3. As soon as feasible, and assuming the decedent has already been identified, and the next of kin notified, the media request will be addressed by posting publicly available information on the “Media Release Information” tab of the Medical Examiner webpage. Postings are published by date.
4. The media release page is completed on a calendar basis, beginning January 1, and ending December 31. Beginning September 1, 2017, each year of media releases is archived, and entries from previous years will be available upon media or individual request.

Release of Autopsy Reports and Medical Examiner Information

1. Reports and records related to autopsy examination are confidential.

The groups below, according to State statute, may examine and obtain copies of autopsy reports. Ordinarily the report released is limited to the autopsy report, with toxicologic results and microscopic description included. Other items are released only at the specific request of the family, ordinarily after consultation with a Medical Examiner who may defer to the Spokane County Civil Legal Division. The investigative report while part of the post mortem record is not considered public record and is not routinely released with the autopsy report.

- The personal representative of the decedent as defined in RCW 11.02.005,
 - Any family member as defined in RCW 68.50.105 (see below)
 - Attending physician (including trauma surgeons) or advanced registered nurse practitioner
 - Prosecuting attorney or law enforcement agencies having jurisdiction
 - Public Health officials (including the Child Death Review Program)
 - The secretary of the department of social and health services or his/her designee in cases being reviewed under RCW 74.13.640 (Child Protective Services (CPS) as part of a case review)
 - Representatives of the Department of Labor & Industries (L&I) in cases in which L&I has an interest under RCW 68.50.103 (if L&I has requested an autopsy as part of the investigation of an industrial death – see below).
2. Spokane County charges a \$20.00 copying fee per autopsy report.
 3. To obtain an autopsy report a family member must formally request a copy of the autopsy report, and prove their identity as a family member by providing appropriate identification or records, and signing a release.
 4. The Medical Examiner's Office Assistants or Office Manager will record the names of all parties receiving copies of the autopsies, provide them with a copy of RCW 68.50.105, and the date that these were mailed or distributed. This form is placed in the permanent case file.
 - Family members may sign appropriate releases to allow for distribution of the autopsy report outside those groups described in State law. If such a written request is made, it is retained as part of the permanent case file in the Medical Examiner's Office.

References:

RCW 68.50.105

Autopsies, postmortems—Reports and records confidential—Exceptions.

*** CHANGE IN 2019 *** (SEE 5955-S.SL) ***

(1) Reports and records of autopsies or postmortems shall be confidential, except that the following persons may examine and obtain copies of any such report or record: The personal representative of the decedent as defined in RCW 11.02.005, any family member, the attending physician or advanced registered nurse practitioner, the prosecuting attorney or law enforcement agencies having jurisdiction, public health officials, the department of labor and industries in cases in which it has an interest under RCW 68.50.103, or the secretary of the department of social and health services or his or her designee in cases being reviewed under RCW 74.13.640.

(2)(a) Notwithstanding the restrictions contained in this section regarding the dissemination of records and reports of autopsies or postmortems, nor the exemptions referenced under RCW 42.56.240(1), nothing in this chapter prohibits a coroner, medical examiner, or his or her designee, from publicly discussing his or her findings as to any death subject to the jurisdiction of his or her office where actions of a law enforcement officer or corrections officer have been determined to be a proximate cause of the death, except as provided in (b) of this subsection.

(b) A coroner, medical examiner, or his or her designee may not publicly discuss his or her findings outside of formal court or inquest proceedings if there is a pending or active criminal investigation, or a criminal or civil action, concerning a death that has commenced prior to January 1, 2014.

(3) The coroner, the medical examiner, or the attending physician shall, upon request, meet with the family of the decedent to discuss the findings of the autopsy or postmortem. For the purposes of this section, the term "family" means the surviving spouse, state registered domestic partner, or any child, parent, grandparent, grandchild, brother, or sister of the decedent, or any person who was guardian of the decedent at the time of death.

[2013 c 295 § 1; 2011 c 61 § 1. Prior: 2007 c 439 § 1; 2007 c 156 § 23; 1987 c 331 § 58; 1985 c 300 § 1; 1977 c 79 § 2; 1953 c 188 § 9. Formerly RCW 68.08.105.]

NOTES:

Effective date—2013 c 295: See note following RCW 68.50.115.

RCW 68.50.103

Autopsies in industrial deaths.

In an industrial death where the cause of death is unknown, and where the department of labor and industries is concerned, said department in its discretion, may request the coroner in writing to perform an autopsy to determine the cause of death. The coroner shall be required to promptly perform such autopsy upon receipt of the written request from the department of labor and industries. [1953 c 188 § 6. Formerly RCW 68.08.103.]

RCW 68.50.104

Cost of autopsy.

*** CHANGE IN 2019 *** (SEE 5425-S.SL) ***

(1) The cost of autopsy shall be borne by the county in which the autopsy is performed, except when requested by the department of labor and industries, in which case, the department shall bear the cost of such autopsy.

(2) Except as provided in (c) of this subsection, when the county bears the cost of an autopsy, it shall be reimbursed from the death investigations account, established by RCW 43.79.445, as follows:

(a) Up to forty percent of the cost of contracting for the services of a pathologist to perform an autopsy;

(b) Up to twenty-five percent of the salary of pathologists who are primarily engaged in performing autopsies and are (i) county coroners or county medical examiners, or (ii) employees of a county coroner or county medical examiner; and

(c) When the county bears the cost of an autopsy of a child under the age of three whose death was sudden and unexplained, the county shall be reimbursed for the expenses of the autopsy when the death scene investigation and the autopsy have been conducted under RCW 43.103.100

(4) and (5), and the autopsy has been done at a facility designed for the performance of autopsies.

Payments from the account shall be made pursuant to biennial appropriation: PROVIDED, That no county may reduce funds appropriated for this purpose below 1983 budgeted levels. [2001 c 82 § 2; 1983 1st ex.s. c 16 § 14; 1963 c 178 § 3; 1953 c 188 § 7. Formerly RCW 68.08.104.]

NOTES:

Effective date—1983 1st ex.s. c 16: See RCW 43.103.901.

RCW 68.50.300

Release of information concerning a death.

*** CHANGE IN 2019 *** (SEE 5332-S.SL) ***

(1) The county coroner, medical examiner, or prosecuting attorney having jurisdiction may in such official's discretion release information concerning a person's death to the media and general public, in order to aid in identifying the deceased, when the identity of the deceased is unknown to the official and when he or she does not know the information to be readily available through other sources.

(2) The county coroner, medical examiner, or prosecuting attorney may withhold any information which directly or indirectly identifies a decedent until either:

(a) A notification period of forty-eight hours has elapsed after identification of the decedent by such official; or

(b) The next of kin of the decedent has been notified.

During the forty-eight hour notification period, such official shall make a good faith attempt to locate and notify the next of kin of the decedent.

[2012 c 117 § 318; 1981 c 176 § 2. Formerly RCW 68.08.320.]

Spokane County Medical Examiner Confidentiality Policy

Sally Aiken M.D. 8/21/19
Sally Aiken, M.D. Date
Medical Examiner

John D. Howard 8-22-2019
John D. Howard, M.D. Date
Medical Examiner

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August 2019

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