

# 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 part of a release-able vital statistics record and as such can be provided to individuals, news media, and agencies.

RCW 68.50.300 states that the county coroner, medical examiner, or prosecuting attorney having jurisdiction may release information contained in a report of death, as defined in RCW 70.58A.200, to the media and general public. ("Report of death" means an electronic or paper document containing information related to a vital life event for purpose of registering the vital life event.)

**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](mailto: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](mailto:medexam@spokanecounty.org).

Contact with news media is carefully considered.

1. Per State law, in the case of unidentified remains, the media and general public can be provided with detailed description and case information in order to facilitate identification.
2. In general, the cause and manner of death is part of the death record and by statute may be released to the media and any other agencies. (See RCW 68.59.300 above) 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. (The Statute requires that during the 48-hour notification period, the office must make a good faith attempt to locate and notify the next-of-kin.) After the decedent has been identified and next-of-kin has been notified, the following information may be provided in addition to cause and manner of death 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", for which a Medical Examiner may publicly discuss findings under certain circumstances. When exceptions occur the Operations 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](mailto: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. News Media are directed to make all requests for decedent information via the Medical Examiner group e-mail account ([MedExam@spokanecounty.org](mailto:MedExam@spokanecounty.org)).

3. When a news media request is received, one of the medicolegal death investigators is to attempt to contact the family of the deceased person the media is asking about by telephone, and inform them that news media has made a request for information about their family member and that information that is publicly releasable will be posted on the Medical Examiner's website. If the family asks which news media made the request, they are to be informed of which news agency is making the request but not the individual media person who sent the request (give the name of the newspaper, or television station, or news organization, etc. – Not the name of the individual reporter). Information may be posted on the website even if the attempt to contact family regarding the media request for information is unsuccessful.
4. As soon as feasible, and assuming the decedent has already been identified and the next of kin have been notified of the death or 48 hours have gone by since making identification, 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.
5. 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 postmortem 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 surgeon) 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, prove their identity as a family member by providing appropriate identification or records, and sign a release.
4. The Medical Examiner's Administrative Support Specialists-3 or Operations Manager will record the names of all parties receiving copies of the autopsy reports and provide them with a copy of RCW 68.50.105, also recording 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:**

#### Spokane County Medical Examiner Confidentiality Policy

#### RCW [68.50.105](#)

Autopsies, postmortems—Reports and records confidential—Exceptions.

(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 children, youth, and families 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.

[ [2019 c 470 § 14](#); [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](#).]

RCW [68.50.300](#)

Release of information concerning a death. (*Effective until January 1, 2021.*)

(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](#).]

RCW [68.50.300](#)

Release of information concerning a death. (*Effective January 1, 2021.*)

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

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

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

(b) 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.

(3) The county coroner, medical examiner, or prosecuting attorney having jurisdiction may release information contained in a report of death, as defined in chapter [70.58A](#) RCW, to the media and general public.

[ [2019 c 148 § 37](#); [2012 c 117 § 318](#); [1981 c 176 § 2](#). Formerly RCW [68.08.320](#).]

_____ Veena Singh, M.D. Chief Medical Examiner	_____ Date
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_____ Sean Ricciardo, M.D. Deputy Medical Examiner	_____ Date
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_____ Makinzie Mott, M.D. Deputy Medical Examiner	_____ Date
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_____ Reba Cherian, D.O. Deputy Medical Examiner	_____ Date
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**Implemented:** May 2003 **Revised:** Nov 2008; June 2010, June 2012; Sept 2013; August 2015; July 2017; November 2017;  
August 2019; November 2020; December 2021; February 2023

**Computer File Name:** Release of Information to Press, Media, Public