
Records and Release of Information

Created 11/18/2010
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Purpose

Records documenting the investigation and subsequent findings of those investigations of deaths reported to the [REDACTED] are prepared, stored and made available for appropriate and legitimate requests. The coroner's [REDACTED] is the record repository for all reports, investigative findings, slides, photography and any other material generated or gathered during a death investigation in [REDACTED]

Policy

The reports generated by the [REDACTED] are the demographic Face Sheet and investigative case Narrative, and a report of the medical examination (either an Autopsy Report or External Examination Report). A Toxicology Report is generated by a forensic toxicology laboratory contracted by the [REDACTED] and is included as part of the corresponding Autopsy or External Examination Report. These reports comprise the results of the investigation as conducted and recorded by law.

The information gathered in the course of these investigations is compiled at public expense. Under the Colorado Open Records Act (CRS 24-72-202), an autopsy report is open record and any person(s) having a legitimate cause for requesting the autopsy report or any information concerning the cause and manner of death may do so from the [REDACTED]. Additional records including the face sheet, death scene investigation, report of findings/written narratives, and photographs are not subject to open records and instead fall under criminal justice records and may be released on a case-by-case basis only with approval of the Coroner and/or Forensic Pathologist.

Procedures

Case Files: Every death reported to [REDACTED] regardless of death type or acceptance of

[REDACTED]

jurisdiction, will be accessioned into the electronic case management system (ECMS) which assigns a unique numerical identifier; all pertinent information will be recorded and stored electronically. Cases accepted under coroner's jurisdiction for autopsy, external exam or records review will have an additional case folder created to store original paper notes and reports generated over the course of the investigation. Electronic case records and paper case files will be created and maintained throughout the course of the investigation by the medicolegal death investigator responding to the report of death; this investigator is also responsible for data entry into the ECMS and finalizing the required case information at the time the death certificate is signed and the report of medical examination is complete.

Case folders will be stored alphabetically by year in the secure file room. In addition to the investigative reports, report of the medical examination, and toxicology report, case folders will also contain any relevant paper records obtained under statute for purposes of the investigation, including but not limited to medical records, law enforcement reports, and paramedic trip/run sheets, as well as any other pertinent documents including fingerprints, chain of custody signature forms, body release forms, medication logs, supplemental laboratory and consult reports, and a copy of the death certificate.

Case files are archived within the electronic records system from 1995 onward. The ECMS is maintained by the [REDACTED] Information Technology department with assigned technological support and routinely scheduled (daily) off-site server back up and archiving. Paper case files are stored indefinitely on-site dating retrospectively to 1955 (as available).

Confidentiality of Materials: The information gathered in the course of an investigation is done so at public expense; under state statute, however only the autopsy report is considered public record. Consequently, any person having a legitimate cause for review of additional information gathered may do so with approval of the Coroner or forensic pathologist, but this review can only be done at the [REDACTED]. Likewise, anyone having legitimate cause for requesting reports, including copies of reports of death, autopsy protocols, toxicology reports, or any other information concerning the cause and manner of death, may do so by requesting these reports from the [REDACTED]. Autopsy and toxicology reports are released as open records and reports of findings are released with coroner or forensic pathologist approval. Police reports, hospital or physicians' records, or other outside agency records acquired by the [REDACTED] in the course of the investigation are exempt from public viewing or release and must be obtained from the originating agency. Documents in the personal work files of staff members are not considered official, and are not to be copied to satisfy a request for a record.

Over and above the formal reports generated by the [REDACTED] staff members for the office become aware of many private and personal details of an individual's life and lifestyle. These details are not to be circulated to the general public, nor shared with anyone in an unofficial capacity. It is a serious breach of ethics to disclose any such details in an unofficial manner. Further, the disclosure of such specific details can hamper the investigations that may be conducted by law enforcement or prosecution personnel.

Availability of the Reports:

Reports are made available without cost to the next of kin when requested in writing. Reports are provided without cost to the District Attorney, public defender, and to the law enforcement agency responsible for investigating the death. Copies can also be provided without cost to a medical provider or medical facility where the decedent was treated, to the US Consumer Protection Agency and to any State or municipal agency having a legitimate reason to request the formal report. Individuals or other organizations requesting autopsy/external examination reports can purchase the reports based on the current fee schedule; all requests for these materials must be prepaid.

All requests for reports other than those automatically sent to law enforcement and the District

[REDACTED]

Attorney must be made in writing to the [REDACTED]. When family members request autopsy reports, [REDACTED] will offer to have the family review the information with a staff pathologist or suggest that the information be reviewed with the family's private physician.

Use of Photographic Materials: Photographic materials are produced and maintained in [REDACTED] cases, to include scene investigative and autopsy examination photographs. The primary function is to document and present investigative information to aid in the determination of a cause and manner of death. Photographs are also used for teaching at all levels within the profession.

The staff of the coroner's office is called upon for numerous teaching, training and speaking engagements including professional medical situations in which the physicians participate. Teaching opportunities also include presentations to partner agencies, local EMT groups, law enforcement and fire fighter trainees, high school or college student groups, civic organizations, and general groups with specific interests in forensic science, human anatomy or medicine, or county government.

Staff members have a responsibility to protect the privacy and dignity of those individuals who become part of the [REDACTED] investigative process. Anonymity of the decedents must be preserved in all photographs used in presentations to include obscuring of identifying features and removal of case numbers. Non-physician personnel are to discuss any presentation they want to make using photographic materials with the Coroner or forensic pathologist. Electronic or printed photographs from [REDACTED] cases are not provided for general education or teaching purposes unless specifically discussed with and authorized by the Coroner or forensic pathologist.

Release of Information: Under state statute, the autopsy report is public record and can be released to members of the public. Coroner's staff will make themselves available for legitimate inquiries from all concerned individuals on cases they have investigated. Where time constraints, sensitive issues, or unusual questions present themselves, refer the inquiry to the office administrator or Coroner. Problems with individuals or agencies are to be referred to the office administrator or Coroner in writing. Release of public information is ultimately overseen by the Coroner. Media inquiries can be fielded by office staff; however press releases for media distribution will be issued only by the Coroner or forensic pathologists. When applicable, press releases should be coordinated with the specified law enforcement agency lead investigator or public information officer.

Death Certificates: The [REDACTED] is responsible for certifying a cause and a manner of death in all cases falling within the jurisdiction of the office. Once signed, the death certificate is provided to the funeral home or to [REDACTED] Public Health Department (ACPH) Bureau of Vital Records and Health Statistics for further action and filing. All copies of the death certificate are provided by the Colorado Department of Public Health and Environment Vital Records Office for a prepaid fee. Under no circumstances will the [REDACTED] make copies of the death certificate for a member of the public.

Photographs: Photographic documentation is done in all [REDACTED] investigations. All duplication is managed by the [REDACTED] representative. Photographic materials are available for review by authorized individuals of partner agencies with approval of the Coroner or forensic pathologist, and individuals having a legitimate need can purchase the materials based on the current fee schedule. All requests to purchase photographic materials must be prepaid. Digital/electronic copies of photographs shall not be provided to family members or members of the public; family members may be able to view photographs or obtain printed copies with Coroner or forensic pathologist approval.

Court Order for Suppression of Information and/or Reports: There will be occasions where a court order is obtained by a county attorney or district attorney directing that certain items of information or certain reports created and disseminated by the [REDACTED] not be made public or be

[REDACTED]

made available only to certain individuals. These are Orders Regarding Release of Information and are signed by the District Judge in the respective jurisdiction. The [REDACTED] can be made aware of the existence of the order by being served personally with a copy of the order or by being advised by an authorized person (attorney or police investigator) that the order exists and the content of the order.

Procedure for compliance: When release of information is restricted, the envelope housing the case file must be marked clearly on the outside to read that there is a hold on the material(s) with a time limitation as applicable; additionally a "hold" alert must be set in the ECMS. Short time delays during the standard processing of cases should be expected to delay fulfillment of requests. Results of the investigation, including hand-written and dictated autopsy notes and hand-written and typed medical investigator findings, are considered preliminary until the case has been finalized; without authorization, no written or printed documents will be released until the case has been completed.

Policy/Procedure Violations

Violations of this policy are grounds for disciplinary action, up to and including termination.

Revised Effective: 10/09/2015

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Approved by:

[REDACTED]