



May 10, 2018

The Honorable John Hickenlooper  
136 State Capitol Building  
Denver, CO 80203

Dear Governor Hickenlooper:

I'm writing on behalf of the Colorado Springs Press Association to ask that you take a very close look at Senate Bill 223 before you consider signing it into law. The bill specifies that autopsy reports prepared in connection with the deaths of minors are confidential and not open to public inspection. This bill would virtually render in-depth investigations into widespread concerns over child deaths impossible in the state of Colorado. It appears to have been nobly introduced in large part to help prevent teen suicide contagion, with little attention to how it would specifically serve that purpose, and almost no attention to the unintended consequences. In your own recent words to the Colorado Freedom of Information Coalition, "Freedom of information is the essential framework of what allows a self-governing democracy to exist."

Autopsy reports as public records play a critical role in the oversight of our judicial system. In 2014, a Colorado Springs television newsroom obtained autopsy reports for a woman and her two children murdered in Canon City. The reports graphically described how the victims were tortured before they were murdered. The judge decided to accept a plea agreement, meaning there would be no public trial, and the suspect would avoid the death penalty. Without public access to these autopsies, the public would not have been afforded the right to consider the appropriateness of that plea deal for themselves.

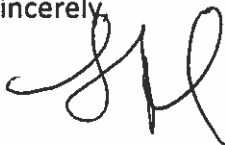
Representative Terri Carver, who co-sponsored the bill, emphasized to me that although Colorado law currently allows coroners to appeal to a court to seal juvenile autopsies, it can be "expensive and very time consuming" to do so. She went on to explain to me that under SB 223, journalists and concerned citizens may ask a court to release such records. In other words, the burden will now be shifted from the government onto the very people you've been elected to represent. This might be possible in the case of a single autopsy report, but the time and expense required to gather cumulative data spanning entire categories of child deaths will likely no longer be feasible for watchdog groups or news organizations. Examples would include investigations into cancer clusters, sports-related deaths, and the list goes on. We saw an

excellent example in a joint investigation by The Denver Post and 9 News in 2012 entitled "Failed to Death". The organizations inspected child autopsies to find dozens of Colorado children had died of child abuse while known to the state welfare system. That report led to important reforms.

Senate Bill 223 appears to have been introduced to solve a problem brought forth by coroners that I'm not convinced is actually happening. As I understand, the origins of this bill came from discussions over suicide contagion among our teens. I've yet to see a news story, a blog, or even an individual social media post that described a Colorado autopsy with sufficient detail to help other teens mimic the behavior. In fact, news organizations generally refrain from even reporting on suicides. In my experience over the years, details on the methods teens have used in suicides generally come from rumors spread by peers and their parents online. Simply put, these details are not coming from the release of autopsy reports. Representative Carver was not able to provide me with one example of that happening. And in fact, public inspection of autopsy results would actually serve to dispel rumors. It's also critical to note that this bill does not cover just autopsy reports from suicides. It unjustifiably closes every autopsy report concerning a minor, regardless of age or the cause of death (accident, homicide, abuse and neglect, or undetermined/suspicious). It is simply not sound public policy to hide from public view a huge swath of heretofore public records, without any justification.

On the surface, this bill sounds like a reaction to a perception that the release of autopsy records causes families to suffer more harm after the tragic loss of a child. But we must look at whether that harm is actually happening, or if it's just an imagined scenario. On the other hand, not every child who dies has someone looking out for him or her, and that's where good journalism comes in. I appeal to you to keep free information, free. Please don't be responsible for allowing a misguided bill to become Colorado law under your watch.

Sincerely,



Liz Haltiwanger  
President  
Colorado Springs Press Association