



May 11, 2018

The Honorable John W. Hickenlooper
Governor
State of Colorado
200 East Colfax Avenue
Room 136
Denver, CO 80203

Re: Veto Request/SB 18-223

Dear Governor Hickenlooper:

On behalf of the Colorado Broadcasters Association (CBA) and its 251 broadcast members, we respectfully request that you veto Senate Bill 18-223.

The advocates for this bill provided emotional arguments while failing to deliver evidence or documented instances of the existing law's deficiencies.

As the law exists, Colorado's broadcast journalists have been able to access and creditably shine a spotlight onto horrendous cases of child abuse and neglect.

Gabriel Trujillo was four years old when he died. Taken from his drug-addicted mother by human services workers, he was placed with his maternal grandmother to protect him. When his life ended, his body temperature was just 89 degrees. Gabriel had been left outside in the freezing cold as a form of punishment, implemented by his grandmother who was charged with keeping him safe. His autopsy report revealed that he had died of blunt-force trauma. The medical examiner who investigated his death found wounds all over his tiny body. Some wounds were new, many were old all pointing to the heartbreaking signs of previous abuse. Gabriel's old injuries prompted a reporter to call his paternal grandmother, who revealed that she had reported seeing bruises on Gabriel's body, but no one would listen. It was only through little Gabriel's autopsy report that his real story was told, a little boy speaking from beyond the grave.

Chandler Grafner died after being kept in a small closet for nearly a year. He was seven years old when his heart stopped and so malnourished that he appeared years younger than he actually was. He weighed 34 pounds and his autopsy revealed old injuries that had gone unnoticed by human services case workers.

Andres Estrada was a Spider Man fan who was repeatedly left alone to play in the street. Time and again, neighbors called police to report he was being neglected. Andres was six years old when he was hit by a car and killed as he rode his tricycle in traffic. Four years later, a reporter heard about his death and started asking questions, quickly learning no one was investigating. His case sat ignored inside the Federal Heights Police Department. No one was ever charged, no one was ever held accountable, there was no state review of his death. The only evidence left behind to remind the world about this tragedy was his autopsy report.

Gabriel, Chandler and Andres are 3 of 72 – yes, 72! – children who died of abuse or neglect while their care was being overseen by county and state human services programs. Children let down by those who were supposed to nurture them and by the system that was supposed to protect them.

It was only through the information available in these children's autopsy reports that their stories could be told in the groundbreaking series "Failed to Death," produced by 9NEWS and The Denver Post. These are the memoirs of those who couldn't defend themselves. The only evidence left behind is the information their battered and bruised bodies provide in an autopsy report. Senate Bill 18-223 silences those voices and ultimately removes our ability, as journalists and as a community, to identify and change broken systems that allow the gratuitous death of a child.



Colorado Broadcasters Association

In the aftermath, the state undertook badly needed reforms designed to prevent similar tragedies from occurring again. These reforms were spurred by stories that were only possible because of Colorado's longstanding law guaranteeing public access to autopsy reports.

It is for these reasons that we urge you to veto Senate Bill 18-223, a draconian measure that would take the current law – which presumes access to autopsy reports but gives coroners an avenue to obtain a court order closing a report in an individual case – and turn it on its head for all deaths of minors.

Protecting children is a noble cause and we respect the intentions of this bill, but we know that this proposal does irreparable damage to transparency and accountability – and to the principle that public good often comes from public access to things that are uncomfortable, even hard. Sometimes, the dissemination of these kinds of difficult truths leads to the protection of children from the parents this law purports to help.

We ask that you veto SB 18-223. I am available to discuss this further with you or your staff if you need any additional information.

Sincerely,

A handwritten signature in black ink that reads 'Justin Sasso'. The signature is fluid and cursive, with the first name 'Justin' and last name 'Sasso' clearly legible.

Justin Sasso
President & CEO