



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 Press Association (CPA) and its 152 media members, I respectfully request that you veto Senate Bill 18-223.

Proponents of this bill cited emotional reasons for why it should be enacted, but they provided no tangible proof that the existing law has shortcomings. Under the existing law, the court of appeals has authorized a county coroner to withhold autopsy reports of the minors shot and killed at Columbine High School, and trial court judges routinely allow coroners to withhold autopsy reports (of both minors and adults) temporarily, in the very early stages of a criminal investigation. In short, the current system works.

Nor has there been any showing of any actual “need” for this purported solution. To date, no one has cited even a single press publication of gruesome details from an autopsy report of any minor, whether the death was the result of homicide, accident or suicide. Not one instance.

Contrary to arguments made by the bill’s proponents, we have tangible evidence of the current law’s benefits.

Such as when the *Steamboat Pilot & Today* reported on the 2014 death of 3-year-old Austin Davis. The Routt County Coroner’s Office unsuccessfully sued the *Steamboat Pilot & Today* for the right to not release the autopsy report, which eventually showed the boy died from extreme dehydration after his mother left him home alone for four days.

Or when *The Denver Post* and 9News used publicly available autopsy reports to expose serious flaws in the child welfare system in their series, “Failed to Death.”

“Reporters found that between 2007 and the time of the report in 2012, 175 Colorado kids had died of abuse and neglect. Caseworkers knew that 72 of those kids’ families or caregivers were abusive before the child died in their care,” J. Adrian Stanley penned in a column published by the *Colorado Springs Independent*. “The stories of these 72 lost children saved other kids like them. But the kids couldn’t speak for themselves anymore, so their stories came from public records — most notably, their autopsy reports.”

Beyond the proponents' factually devoid arguments, the CPA thinks the best route in public records is a logical one. If there is no evidence that a problem exists, why close off access? Furthermore, decades of experience dealing with release of autopsy reports under the existing Colorado Open Records Act shows that the current regime works well in balancing the interests of private individuals against the public's interest in monitoring the official conduct of tax-payer funded county coroners.

If this measure becomes law, it will mean that not one public official is responsible to publicly identify a child whose death is investigated by a local coroner. The police don't have to do it until or unless an arrest is made. The DA doesn't have to do it until or unless charges are filed. The child fatality review process, the health department, human services – none of them are required to report deaths of children that we've concluded as a state are so important they must be investigated by public officials and public employees whose offices are funded with public money.

The best way to ensure open government and to protect those who need the most protection — abused and neglected children — is for more transparency, not less. To allow coroners to keep these reports from the public would be a major setback to public accountability, not only of the coroners themselves, but of other governmental actors whose official duties are to safeguard the well-being of minors.

Or as the Daily Sentinel penned in an editorial, "Closing the door on public access to these reports in the name of decency makes it more difficult to get justice for abuse victims. There's nothing decent about that."

For these reasons, we ask for your veto of SB 18-223. I am available to discuss this further with you or your staff if you need any additional information about our request or the importance open and transparent government.

Below are links for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Raehal", enclosed within a large, loopy oval scribble.

Jerry Raehal
CEO
Colorado Press Association

Links:

The Denver Post: <https://www.denverpost.com/2018/04/27/dont-hide-child-autopsy-reports-from-the-public/>

Colorado Springs Independent: <https://www.csindy.com/coloradosprings/senate-bill-223-will-hide-autopsy-records-and-hurt-kids/Content?oid=12041549>

Steamboat Pilot & Today: <https://www.steamboattoday.com/opinion/the-facts-of-childhood-deaths-must-not-be-hidden-from-society/>

Grand Junction Daily Sentinel: https://www.gjsentinel.com/opinion/editorials/reject-autopsy-bill/article_1d50f596-4ccf-11e8-b6cb-10604b9f1ff5.html

The Pueblo Chieftain: https://www.chieftain.com/opinion/editorials/public-s-right-to-know-at-issue-in-bills/article_29256d92-34d0-5b85-806e-a7cc803b1eb3.html