

## **Spokane County Medical Examiner**

### **Quality Management Manual**

4.1.1 All Spokane County Medical Examiner inspection activities (investigations and autopsies), are carried out impartially.

4.1.2 The Medical Examiner's office is responsible for insuring that investigations and autopsies are performed impartially.

**Financial Bias:** Financial bias is excluded in that all employees receive salaries that are independent of number of investigations or autopsies performed. While manner of death determinations are compiled annually, there are no financial incentives in determining manner of death. Referral counties make case selection decisions independent from the Spokane County Medical Examiner's Office. Office policy "Receiving of Gifts and Making of Endorsements" prohibits accepting money or significant gifts from funeral homes and death scene cleaning services. The Medical Examiner's office has policies limiting and defining outside employment for the contracted body removal services. This office receives no office financial or other incentives from Organ or Tissue Procurement Agencies for consenting/releasing for organ or tissue donation. A potential source of financial bias is outside employment by Medical Examiner staff or staff family members in an Organ or Tissue Procurement Organization. Some such organizations pay per recovery, and reporting potential donor deaths to these agencies, then consenting/releasing for organ/tissue donation could potentially financially benefit individuals. However; the forensic pathologists/medical examiners must release for tissue donation by office policy, and have no financial incentive. (See "Guidelines on Human Organ and Tissue Procurement".)

Medical Examiner policy "Forensic pathologists performing autopsies or medicolegal consultation outside of the office" disallows the medical examiners from performing consultative work on any individuals who die in Spokane County, regardless of the year of death. The medical examiners must decline private consultations or private autopsies on decedents from any of the referral counties. No county resources can be used in performing private consultations, including the use of county work time, county personnel, and material resources such as paper, county phones, and copy machines. No employed medical examiner will knowingly perform a private consultation or autopsy in a death for which another Spokane County medical examiner is consulting.

**Commercial Bias:** All local and regional funeral homes and death scene cleaning service contact information is listed on the Medical Examiner website and brochure. No medical examiner employee is allowed to recommend any single funeral home or cleaning service. If a

family requests information about private autopsies, the office provides a list of individuals performing autopsies, without recommendation of any individual.

**Political Bias:** The Spokane Medical Examiner's Office must make independent decisions free of pressures from other Spokane County Political entities including the Board of County Commissioners, Spokane County Sheriff, Spokane County Prosecutor's Office, Spokane Police Department, Spokane Mayor, and the state Attorney General's Office. The Spokane Medical Examiner's Office was created by the Spokane County Board of County Commissioners by Resolution 98 0665 and is an independent entity. The office can obtain legal advice from the civil division of the prosecutor's office regarding any issues of political bias.

The office has an advisory board consisting of stakeholders and community members, separate from the Board of County Commissioners.

#### 4.1.3 Ongoing **Identification of risks to impartiality:**

**Activities:** The office is responsible for independent death investigation and autopsies. In some deaths, these investigations create liability for Spokane County. (Spokane County funds the Medical Examiners Office). Examples are liability for road conditions in traffic accidents, liability when a county work vehicle is involved in a fatal collision, legal intervention deaths, county on the job deaths, and in jail deaths. In most such deaths potential and actual risk to the county is unknown during investigation and autopsy. If Spokane County is known to have potential liability, either the investigator or autopsy physician will directly state this in the investigative report.

**Organizational Relationships:** The office has cooperative relationships with other organizations including law enforcement agencies, forensic unit, prosecutors, and public defenders. While investigations are performed independently by the Medical Examiner's Office, considerable investigative information is often obtained from law enforcement. Sources of investigative information are specifically described in every investigative narrative. Any law enforcement witnesses to autopsy are listed in the autopsy report.

**Personnel Relationships:** Except in the case of unidentified decedents, Medical Examiner staff members have considerable demographic information about the decedent before scene investigation, or autopsy, and staff members are required to self-identify any personal relationship to a decedent. Also, staff members may have marital or other relationships with involved law enforcement members, in cases of legal intervention deaths in particular. Any such relationships should be documented in the investigative narrative or autopsy report. Finally, case files document all organ/tissue donation decisions, and office staff with relatives employed by these agencies must so declare.

#### 4.1.4 Plan **to minimize or eliminate risk to impartiality:**

Activities: If a potential county liability is recognized, concerning the results of autopsy or how the Medical Examiner's Office determines cause and manner of death, it will be noted in the narrative. Oftentimes such liability is not known at investigation or autopsy, and isn't apparent until later. The office investigations and autopsy are independent, and Spokane County is only entitled to results and information about specific cases as prescribed by Washington State law. Either Medical Examiner or any other staff member can request legal counsel from the Spokane County assigned civil attorney, when it is their opinion that any county authority is attempting to influence an investigation or outcome, or makes a records request that doesn't meet the requirements of the law.

Organizational Relationships: Though the Medical Examiner Investigators may be performing investigations where law enforcement or forensic unit personnel are also performing investigative work, the Medical Examiner's investigations are independent. Sources of information must be listed in each investigative report. While law enforcement personnel, forensic unit, and occasionally prosecutors may observe autopsy and body evidence collection, they are allowed no input into the inspection/examination process. These individuals witness, but don't participate.

Personal Relationships: If any Medical Examiner or staff member has significant personal knowledge of a decedent or is related to a decedent, they will not be involved in investigation, or autopsy. If the personal knowledge is limited, the staff member can: 1. Decide not to participate, or 2. Describe his/her knowledge of the individual decedent to the Medical Examiner on duty who will make the final determination about potential bias.

Death of any Medical Examiner Staff Member or family members, ordinarily falling under the jurisdiction of the medical examiner's office (non-natural deaths):

- The investigation will be performed only by the law enforcement agent having jurisdiction, and reviewed by the facility performing the autopsy.
- If autopsy is required, the body will be transported from the scene to the King County Medical Examiner's Office, and the examination will be performed in that facility, after the King County Medical Examiner receives an authorization form from Spokane. That office will determine the cause and manner of death. Spokane County will incur all costs for transportation and autopsy.
- If the death can be certified based on medical records (hip fracture complication, etc.), records will be transferred to the King County Medical Examiner's Office with authorization, and a King County Medical Examiner's Office staff member will sign the death certificate. If King County requests the body for autopsy, it will be transported as above.

In deaths involving organ/tissue procurement where there is a potential for release that could financially benefit a family member, the office policies are followed. Direct referral of decedents to organ tissue procurement agencies is forbidden. Family contact information

cannot be provided to recovery agencies. A medical examiner must personally release for donation in each instance.

4.1.5 The Spokane County Forensic Pathologist/Medical Examiners are committed to impartiality and monitor for impartiality. The Medical Examiners also arbitrate questions of impartiality and monitor each other for bias. The Medical Examiner's Office was created by the Board of County Commissioners as an independent department, and has an advisory board consisting of a variety of community stakeholders, with balance of input.

4.1.6a The Spokane County Medical Examiner's Office meets the Annex A Independence Requirements for Inspection Bodies.

a. The Medical Examiner's Office functions independently as a separate entity.

b. The Spokane County Medical's Office and personnel shall not engage in any activities that may conflict with their independence of judgement and integrity in relation to performing investigations and autopsies. The office has no control over deaths and when they occur. All home deaths are reported to the office. Hospital deaths are reported according to criteria established by the Medical Examiner's Office. Depending on the circumstances nursing home and other deaths are also reported.

c. Inspection activities at investigative scene and autopsies are not part of any other legal entity that are engaged in or can influence inspections.

d. The Medical Examiner's Office is not linked to any separate legal entity that performs or influences inspections. The office accepts payments from surrounding counties for performing autopsies on a fee for service basis. Any payment is per case, and not based on cause of death determination.

#### 4.2.1 Confidentiality

The Spokane County Medical Examiner's Office is responsible for the management of all information obtained or created while performing to all office inspection activities. All records and reports of postmortem examinations or autopsies and all types of information contained within the records, photographs, and reports are confidential by law and will only be disclosed or discussed under limited specified conditions as allowed by law and as indicated by specific Spokane Medical Examiner office policies. Washington State RCW 68.50.105 defines the confidentiality of reports and records:

**RCW 68.50.105:**

(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 social and health services 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.

In addition, in decedents who are unidentified, the Medical Examiner has more latitude in releasing information in order to aid in identification. (RCW 68.50.300).

**See Spokane County Medical Examiner Policies: "Confidentiality", and "Release of Information to the press, media, public".**

All office employees sign confidentiality acknowledgments. Releasing confidential information from the autopsy report is considered grounds for dismissal.

In Washington State, the death certificate is public record, and can be obtained by anyone through the state Vital Statistics Office. By RCW 68.50.300, the Medical Examiner may delay release of death certificate information for up to 48 hours, or until next of kin has been notified of the death. As these demographics are found on the death certificate, specific information can be released as follows:

1. The name, age, and date of birth of the decedent, as well as the date of death.
2. The location where death occurred.
3. The city and state or area of residence where the decedent had resided.

4. The cause and manner of death, even if either is pending.
5. In a death in custody, the name of the involved institution or agency can be released.

4.2.2. The clients or individuals concerned in office confidentiality practices are defined in the statute above as: the personal representative of the decedent, any family member, the attending physician, the prosecuting attorney or law enforcement having jurisdiction, defined public health officials, the secretary of the department of social and health services in cases of child death being formally reviewed, the Department of Labor and Industries if the department required an autopsy as part of an industrial death.

- a. The Medical Examiner's County attorney will be asked to advise about any uncertainties in the release of records, such as questions about which law enforcement agency has jurisdiction, whether an agency has a legitimate public health claim to records, etc.
- b. The Spokane County Medical Examiner's Office does not release information for referral counties.
- c. Where a request is made for information under RCW 68.50.105 section 2a is received (where actions of a law enforcement officer or corrections officer have been determined to be a proximate cause of death), the Medical Examiner will determine which, if any, "findings" are to be released with advisement of the Medical Examiner civil attorney
- d. Each autopsy report has RCW 68.50.105 printed on the front page, informing all parties the legal requirements of confidentiality.
- e. Autopsy records can be released to any party only if the office has written authorization by legal next of kin or by court order. In the case of a court order, legal next-of-kin will be informed and the notification documented.
- f. Records are kept documenting the release of all autopsy reports/records, and maintained in the individual case file.

4.2.3 All information in the Medical Examiner records is confidential under Washington State Law, including any information obtained about the decedent, or the clients described above, whether this is direct information, or information obtained from other sources.