

STATE OF CONNECTICUT
OFFICE OF THE CHIEF MEDICAL EXAMINER
11 Shuttle Rd., Farmington, CT 06032-1939
Telephone: (860) 679-3980 Fax: (860) 679-1257



February 25, 2011

To: Chairman, Coleman, Chairman, Fox and Honorable Members of the Judiciary Committee

From: Dr. H. Wayne Carver, Chief Medical Examiner

Re: Raised Bill No. 1054, An Act Concerning the Disclosure of Autopsy Reports

The Office of the Chief Medical Examiner would like to take the opportunity to comment on Raised Bill 1054. This Bill would prevent the Office of the Chief Medical Examiner from unilaterally disclosing autopsy reports on pediatric homicides to the general public. The Office of the Chief Medical Examiner as an institution and I, are very concerned about the privacy rights of individuals who are examined through our office and particularly with respect to homicide victims whose family find their privacy and grieving invaded by the curious public.

I believe that the proposed legislation is however, redundant of current statute, regulations and practices. The Office of the Chief Medical Examiner does not now and has never released autopsy reports to the general public, let alone autopsy reports of a pediatric homicide victim.

Under current statutes and regulations autopsy reports are available to the next of kin, to lawyers on either side of a civil or criminal proceeding, physicians who cared for the individual in life, insurance companies who have policies concerning the deceased, and government officials who need the report to execute their fiduciary responsibility. Most commonly are investigating police officers but also including such entities as DCF, Child Advocate, Department of Public Health, etc. The Medical Examiner's law specifically forbids any of these institutions from secondary re-releasing of the autopsy report.

Autopsy Reports can be made available to the general public through three mechanisms:

1. The next of kin elect to voluntarily give their copy of the report to a member of the press or some other entity which would make it broadly available. This is a situation which obviously would not be addressed by the current proposed legislation, I would also add parenthetically that has never been done in the twenty-nine (29) years I have been associated with the office.
2. If an autopsy report is entered into evidence in a trial and there is a conviction,

the autopsy report along with all other records entered into evidence is available to the public thru the Clerk of the Court. Again, this has to my knowledge never been done during my tenure at the office

3. Under separate statutory provisions autopsy reports are available to the general public if the decedent was in the custody of the State at the time of the death CGS 19a-411-(b). This has only been done once during my tenure.

Finally, the committee should be aware that the State's Attorney's have the right to petition the court to seal autopsy records in the case of a homicide. In order to comply with this statutory right, the Office of the Chief Medical Examiner informs the State's Attorney's Office whenever a request is made for a homicide and inquires whether or not they intent to so petition. I know of only two cases in which such an order to seal was issued.

Again, I wish to emphasize that the rights of the surviving next of kin and the impact of autopsy reports on their privacy and grief, is of the utmost importance to the Office of the Chief Medical Examiner. I do however, believe that the current statutory and regulatory scheme covers the issues that I perceived to be addressed by the proposed legislation.