

- Policy:** This policy provides the protocol on how the DC Office of the Chief Medical Examiner (OCME) handles public relations inquiries (i.e., other District agencies or city council, other governmental entities, media, general public) concerning any death, autopsy or related findings or other issues concerning the agency
- Purpose:** The purpose is to ensure that inquiries are handled per federal and local laws and regulations, as well as agency policies and procedures and to protect the confidentiality of information and integrity of evidentiary material
- Scope:** The OCME public relations (including any social media activities) are handled through the Public Information Office -- the official public information arm of the agency according to statute and regulation, as well as District Customer Service Standards in responding to inquiries

## **1. General**

- 1.1. All inquiries regarding obtaining information or records related to medical examiner cases are handled according to the Recordkeeping and Retention Policies and Procedures.
- 1.2. Per the agency's statute, autopsy report findings and associated information may be released to the next of kin, law enforcement and the Mayor or his/her designee(s). (See D.C. Code Section 5-1412 and DC Municipal Regulations 28-5000)

## **2. Record Requests**

### 2.1. General

- 2.1.1. All requests for access to records must be made in writing to the Custodian of Records, the Freedom of Information Act (FOIA) Officer or General Counsel.
- 2.1.2. All phone requests for copies of autopsy reports, investigative reports, etc. are to be handled by the Office of Quality Control and Records Management at 202-698-9111.

### 2.2. File types

#### 2.2.1. Medical Examiner Case Files

- 2.2.1.1. Copies of records relating to deaths, which require further investigation, and all Medical Examiner Case Files shall be open to inspection by the following:
  - 2.2.1.1.1. The Mayor of the District of Columbia
  - 2.2.1.1.2. The Mayor's authorized representative;
  - 2.2.1.1.3. The United States Attorney;

- 2.2.1.1.4. The United States Attorney’s Assistants;
- 2.2.1.1.5. The Metropolitan Police Department; or
- 2.2.1.1.6. Any other law enforcement agency or official.
  - 2.2.1.1.6.1. These entities should provide a subpoena or a written request for records and information on their official letter head, to the General Counsel or Office of Quality Control and Records Management.
- 2.2.1.2. Any other person with a legitimate interest<sup>1</sup> in Medical Examiner Case Files and the information therein may obtain copies of such records and files upon such conditions and payment of such fees (See Attachment A) as may be prescribed by regulation and applicable privacy laws.
  - 2.2.1.2.1. If the person fails to meet the prescribed conditions, such person may obtain copies of records by doing one of the following:
    - 2.2.1.2.1.1. provide written authorization from the next of kin for release of the records;
    - 2.2.1.2.1.2. serve a subpoena on the custodian of records, OCME; or
    - 2.2.1.2.1.3. pursuant to a court order if the court is satisfied that such person has a legitimate interest.
- 2.2.1.3. All disclosures of information must be documented for both electronic and paper records.
- 2.2.1.4. The records or reproductions of records certified by the Chief Medical Examiner are admissible as evidence in any court in the District; except that, statements made by witnesses or other persons and conclusions upon non-medical matters are not admissible.
- 2.2.2. Autopsy Reports:
  - 2.2.2.1. Requests for documents associated with Medical Examiner Case Files generally include a request for an autopsy report. A complete autopsy report includes the following when available:
    - 2.2.2.1.1. Autopsy report
    - 2.2.2.1.2. Toxicology report;
    - 2.2.2.1.3. Any report that is referenced in the autopsy report
      - 2.2.2.1.3.1. Diagrams, Autopsy Worksheets, Microscopic report, Neuropathology report, and other consultative or laboratory reports may also be available on a case by case basis for attorneys, law enforcement and/or insurance companies.

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<sup>1</sup> “Legitimate interest” is defined in the regulations as “a direct interest in obtaining medical, scientific, or other information maintained by the Office of the Chief Medical Examiner.”

### 2.2.3. Fatality Review Unit Files

2.2.3.1. Fatality Review Unit files and information are confidential and should be treated according to general confidentiality requirements outlined in the Fatality Review Unit Operating Protocols. See Fatality Review Section of the Policies and Procedures Manual.

### 2.3. Freedom of Information Act (FOIA) Requests

2.3.1. FOIA requests should be received and processed in accordance with D.C. Official Code § 2-531 *et seq* (2012 Repl.).

2.3.2. FOIA requests sent to OCME should be made in writing by the requestor. In the event a FOIA request is made orally, the FOIA request should be properly logged by the agency FOIA Officer.

2.3.3. The agency FOIA Officer shall review received FOIA requests and respond accordingly based on applicable laws, regulations (1 DCMR § 401 *et seq.*) and District government policies and procedures.

2.3.4. The agency FOIA Officer may assign fees to the requestor pursuant to 1 DCMR § 408 (January 7, 2005).

### 2.4. Other Requests

2.4.1. Any other requests for records shall be forwarded to the Office of Quality Control and Records Management or the appropriate Executive Management.

## 3. Protocol for Release of Information

3.1. Next of Kin/Family – Any inquiries from next of kin/family members or legal agents/representatives of next of kin/family concerning any death, autopsy or related findings must be referred to the appropriate medical examiner, investigator who has been assigned to the case; or the General Counsel. Request for records (i.e., autopsy reports, photographs etc.) should be referred to the Office of Quality Control and Records Management.

3.2. Law Enforcement – Law enforcement may be provided information regarding medical examiner cases per the D.C. Code Section 5-1412 and DC Municipal Regulations 28-5000. This includes access to the autopsy suite and autopsy reports, as well as interaction with the forensic pathology (medical examiners), death investigations and mortuary staff. Request for records (i.e., autopsy reports, photographs etc.) should be referred to the Office of Quality Control and Records Management.

3.3. Mayor or Mayor's designee – The Mayor or his/her designee may be provided information regarding medical examiner cases per the D.C. Code Section 5-1412 and DC Municipal Regulations 28-5000.

This includes access to the autopsy suite and autopsy reports, as well as interaction with the forensic pathology (medical examiners), death investigations and mortuary staff. Request for records (i.e., autopsy reports, photographs etc.) should be referred to the Office of Quality Control and Records Management.

#### 4. Media

- 4.1. The Public Information Office (PIO) is the main contact for response to all media-related (i.e., news, radio, television, print, Internet, social media) inquiries. If the PIO is unavailable, the inquiries should be referred to the CME, Chief of Staff, or General Counsel. These positions are the only ones authorized to interact with the media in responding to inquiries. **Only the cause and manner of death are provided to media on any medical examiner case.** As stated above, only the next of kin, law enforcement or the Mayor's administrative offices are provided such information, unless the office is mandated by court order to provide the information to the requesting media entity.
- 4.2. General Public – Inquiries from the general public regarding death investigation (i.e., cause and manner of death; autopsy reports etc.) should be referred to the PIO. If the PIO is unavailable, the person(s) should be referred to the CME, Chief of Staff or General Counsel. Autopsy reports and associated information (i.e., cause and manner of death) are not provided to the general public. As stated above, only the next of kin, law enforcement or the Mayor's administrative offices are provided such information, unless the agency is mandated by court order to provide the information to the requesting public entity.
- 4.3. Freedom of Information Act (FOIA) – Freedom of Information Act (FOIA) requests are forwarded the FOIA Officer.

**COPIES OF RECORDS, REPORTS AND SERVICES**

The following fee schedule shall apply to copies of records and reports and for other services provided to private parties by the Office of the chief Medical Examiner:

## a) Autopsy Reports

1) Family Members	\$15.00
2) Insurance Companies	\$50.00
3) Other Private Parties	\$50.00

b) External Examination Report (Certified Copy)  
(Cause of Death determination sheet) \$25.00

c) Proof of Death \$25.00

## d) Photographs (produced on site)

1) Laser/Glossy Prints	\$10.00 each
2) X-ray Photos	\$15.00 each
3) CD/DVD	\$25.00 each

## e) Histology

1) Unstained	\$15.00 each
2) Hematoxylin and Eosin	\$15.00 each

f) Cremation Approval \$75.00

g) Still Births \$75.00

i) Body Storage \$150.00

j) Expert Testimony and Depositions \$300.00 per hour

k) Record Copying Fee \$5.00 for the first five pages  
and .50¢ each additional page

l) DNA Cards \$5.00 each