

WASHINGTON STATE MEDICAL ASSOCIATION
HOUSE OF DELEGATES

Resolution: B-17
(A-20)

Subject: Related to Death Investigation in Washington State

Introduced by: Carl Wigren, MD, Delegate
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Daniel Low, MD, Delegate
King County Medical Society

Referred to: Reference Committee B

1 WHEREAS, physicians are responsible for evaluating health risks and preventing death; and

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3 WHEREAS, board certified forensic pathologists are uniquely qualified to perform medicolegal
4 autopsies to determine the cause and manner of death; and

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6 WHEREAS, medical examiners are forensic pathologists who operate in the medical paradigm
7 of utilizing clinical history and information about the circumstances surrounding a death to
8 generate a diagnostic differential about potential causative diseases and injuries (1); and

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10 WHEREAS, an autopsy is the practice of medicine; and

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12 WHEREAS, an autopsy and laboratory studies are medical procedures a medical examiner
13 utilizes to confirm or refute diagnostic possibilities (1); and

14

15 WHEREAS, in addition to determining cause of death, medical examiners are directed to
16 determine the manner of death, which is largely based on the circumstances surrounding death;
17 and

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19 WHEREAS, death investigations are crucial in identifying health risks, disease outbreaks,
20 definitive cause and manner of death for insurance purposes, and collecting evidence to assist
21 outside agencies in their investigations; and

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23 WHEREAS, accurate investigation, examination, reporting, and testimony by medical
24 examiners are crucial in the determination of the cause and manner of death in individuals who
25 die under sudden, unexpected, and/or violent circumstances; and

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27 WHEREAS, it is each person's fundamental right to have access to full and appropriate health
28 care options while alive and after death; and

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30 WHEREAS, autopsies with evidence collection and preservation and death investigations play
31 a vital role in the justice system in manners concerning questions of death; and

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33 WHEREAS, in many Washington counties the prosecuting attorney performs Coroner duties;
34 and

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36 WHEREAS, the Standards of the National Association of Medical Examiners state that
37 medicolegal death investigators and their offices must investigate cooperatively with, but
38 independent from, law enforcement and prosecutors; and

1 WHEREAS, in order to promote competent and objective death investigations, medicolegal
2 death investigators and their offices must operate without any undue influence from law
3 enforcement agencies and prosecutors; and
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5 WHEREAS, data from a survey of the National Association of Medical Examiners' membership
6 with 336 respondents indicates that 22% of death investigators have been pressured by political
7 officials to alter investigation findings (7); and
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9 WHEREAS, according to the previously mentioned National Association of Medical
10 Examiners' survey, more forensic pathologists working in coroner's offices have been instructed
11 to alter findings by a supervisor as compared to their peers working in medical examiner's
12 offices (7); and
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14 WHEREAS, medicolegal autopsies are best conducted in the controlled environment of a
15 morgue specifically designed for that purpose as opposed to funeral homes where the majority
16 of Prosecutor/Coroner and Coroner autopsies are performed; and
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18 WHEREAS, following proper death investigation protocols are necessary to assure consistency
19 in the preservation of evidence and approach to the medicolegal autopsy, and accurately
20 determine cause of death and ways to prevent it; and
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22 WHEREAS, accurately documenting the causes and conditions associated with death is crucial
23 to accumulating reliable data for state epidemiologists in their effort to provide statistics and
24 assist in surveillance and response, advances in health and safety research, and improvement in
25 quality of health care; and
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27 WHEREAS, consistency in reporting of potential donors to organ procurement agencies
28 provides the living with lifesaving transplant tissue as well as tissue for medical research; and
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30 WHEREAS, Coroner and Coroner/Prosecutor counties are historically inconsistent in their
31 reporting of potential donors to procurement agencies; and
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33 WHEREAS, the county medicolegal death investigator has the authority to restrict cases that
34 had possible organ, tissue or eye donation potential at their discretion (11); and
35

36 WHEREAS, in 2019, 31% of the potential donor cases reported by SightLife from Washington
37 state were from Coroner and Prosecutor/Coroner counties (253/809) and 75% of restrictions to
38 donations reported by SightLife from Washington state were from Coroner and
39 Coroner/Prosecutor counties (24/32) (9); and
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41 WHEREAS, in the report compiled by SightLife for January through March 2020, 32% of the
42 potential donor cases reported by SightLife from Washington state were from Coroner and
43 Prosecutor/Coroner counties (59/186) and 61% of the restrictions to donations from Washington
44 state were from Coroner and Coroner/Prosecutor counties (14/23) (10); and
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46 WHEREAS, Washington State has a mixed coroner and medical examiner system, where
47 counties with over 250,000 residents may institute a medical examiner system, but counties with
48 fewer than 250,000 must elect a coroner; and
49

50 WHEREAS, Washington counties with less than 40,000 residents rely on the prosecuting
51 attorney for coroner services; and

1 WHEREAS, only six (6) of Washington State's 39 counties have Medical Examiner systems;
2 and

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4 WHEREAS, in order to become a coroner in one of 17 Washington State Coroner Counties
5 requires absolutely no medical education; and

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7 WHEREAS, the requirements for the office of Coroner in Washington State are inadequate: be
8 at least 18 years old, pay the election ballot fee, get elected; and

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10 WHEREAS, elections entangle Coroners and their duties with political and social issues; and

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12 WHEREAS, racism has been declared a public health crisis in King County (8) and beyond (7);
13 and Black Americans have historically been structurally gaslighted using politicized
14 interpretations of autopsy reports and medical data (7); and

15
16 WHEREAS, medical examiners must be board certified in anatomic and forensic pathology by
17 the American Board of Pathology; or be a qualified physician eligible to take the American
18 Board of Pathology exam in forensic pathology within a specified time following appointment;
19 and

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21 WHEREAS, medical examiners are the most qualified people to investigate deaths, identify
22 public health concerns, and report if an organ donation is acceptable or not; and

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24 WHEREAS, Washington State does not require board certified forensic pathologists to perform
25 autopsies; and

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27 WHEREAS, it was reported in 2002 that autopsies were not completed on 25 percent of 267
28 accidental deaths of children aged 5 and under across Washington State in the last five years (3);
29 and

30
31 WHEREAS, in 2016 in King County alone, 8,630 deaths were reported to the Medical
32 Examiners Office with nearly 1,400 autopsies performed (4); and

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34 WHEREAS, courts have overturned convictions due to prosecutorial interference with forensic
35 pathologists serving as consultants and experts for the defense (5); THEREFORE BE IT

36
37 RESOLVED, that the Washington State Medical Association advocate for measures to abolish
38 the coroner and coroner/prosecutor systems. This may include:

- 39
40 1) Instituting a State Medical Examiner system tasked with oversight of regional/district
41 offices;
42 2) Establishing regional/district offices based on population and proximity of associated
43 counties;
44 3) Requiring the performance of medicolegal autopsies in each regional/district office by a
45 board certified forensic pathologist;
46 4) Developing consensus professional standards and guidelines by the State Medical
47 Examiner; and
48 5) Promoting the value and instilling confidence in the medical examiner system,
49 medicolegal death investigation, and medicolegal autopsy to the justice system, public
50 health agencies, governmental officials, the medical community and the public; and BE IT
51 FURTHER

References

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