

House Judiciary

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HB24-1244 Minor Autopsy Report Release Requirements

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
<p>Jeremy Model For themselves</p>	<p>Hello, My name is Jeremy Model. I am Riley Whitelaw's closest cousin.</p> <p>I just saw that HB24-1244 Minor Autopsy Report Release Requirements is being heard on Wednesday, March 6th by the House Judiciary Committee, and found it my duty to testify - since my family and I have been directly affected and impacted by the release Riley's minor autopsy report.</p> <p>I am taking this opportunity to voice my support of this bill - Riley's story matters, and so do the stories of other children, their families, friends, and loved ones who love a child who was lost and their autopsies along with their names are then made public.</p> <p>As it stands now in the state of Colorado, anyone can request anyone's autopsy. You don't have to be a relative of the child or even know them. I learned this first-hand and it was heartbreaking. When I heard that news outlets and even podcasters put in a request for Riley's report even before it was completed, I was devastated - knowing Riley, she would have been humiliated. Once a coroner completes the report and signs it, autopsies are made available to the public within three business days per the Colorado Open Records Act (CORA). All anyone has to do is file/email a request. We had no power to protect Riley's privacy and dignity, nor did we have any power to protect her family, friends and teachers from finding out the horrific details of what was in her autopsy, and what ultimately killed her, something that our family would have wanted private.</p> <p>I know that the Colorado Broadcasters Association has already stated publicly that they oppose the bill and it should be noted that they, along with the Colorado Press Association and the Colorado Freedom of Information Coalition will most-likely all testify in opposition.</p>

	<p>This bill is not about me or them, it's about CHILDREN like Riley Whitelaw and their families & loved ones - many of them children themselves. If the shoe was on the other foot, and this happend to a minor in your family, how would you feel about their information being made available to the public, anyone and everyone?</p> <p>Vote your conscience, Jeremy E. Model</p>
<p>Lynette Kirbis For themselves</p>	<p>To whom it may concern,</p> <p>As a mother myself and finding out the release of private information on coroners reports to ANYONE that requests for this information, disgusts me. As a parent, if tragedy were to happen to one of my kids in a violent way, not only that I have to grieve this tragedy but to have it plastered all over media is appalling. The fact that the manner of violence done to my child is readily available to anyone that asks and then reported for all to see is inhumane. I don't need to live out this tragedy in the media while I grieve and process the tragedy. I am in support of this bill in preventing the dissemination of this very personal information to anyone that asks. The fact that I have to write this letter is ridiculous. This is basic decency and consideration to families and friends of loved ones who suffer violent crimes. So please I beg that you pass this bill in support of those friends and families who suffer violent crimes. Thank you for taking the time to read and consider this letter.</p>
<p>Robert Kirbis For themselves</p>	<p>To whom it may concern,</p> <p>As a father of daughters and learning what happens with release of PRIVATE and SACRED information on coroners reports to any Tom, Dick, and Harry that propositions for this information, I am APPALED that this kind of sensitive information can be published to the PUBLIC without any consent of the ACTUAL affected parties involved. The thought of an act of violence being perpetrated on one of my loved ones and their last moments of life and demise being disseminated WHILE I am in the MIDST of REELING in agony and HEARTBREAK is disgusting. So THIS would require me to take a pause and think about getting that information to my deceased loved ones and friends so that they do not have to READ about it before I can break the details to them??? This bill makes COMPLETE sense to ANYONE with logic who has a moral compass and is not beholden to media</p>

	<p>groups. This is BASIC decency and compassion to families and friends of loved ones who suffer violent crimes. I ask ANY and ALL who are reading this testimony, if your loved one suffered a sexual assault and there were physical details laid out for public viewing regarding the hows and whats of this assault, could you sleep at night knowing such information will be for anyone to read? Or the sickness of our society allowing a depraved mind to ENJOY this tragedy for their own pleasure? I am not a smart man, but I believe ANY lawmaker with any sense of decency would agree with these statements and so I RESPECTFULLY ask that this bill would be passed for the good of ALL law abiding citizens.</p>
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House Judiciary Committee Members,

I write to you today to ask for your support of HB24-1244, Minor Autopsy Report Release Requirements.

Put very simply, this legislation protects children and their families from further victimization in the wake of the unthinkable.

My dear friend Courtenay Whitelaw has been living a nightmare since June 11, 2022, when her only daughter, 17-year-old Riley, was brutally murdered by a monstrous coworker.

Courtenay was not only robbed of her precious “Smiley Riley” but also of the ability to truly grieve her daughter in any semblance of privacy or peace.

That’s because literally hours after Riley was stolen from this world, Courtenay was forced to begin fighting to protect her daughter’s dignity and privacy – and to attempt to shield Riley’s family and friends from the damage she knew would be inflicted upon learning the details of her murder.

In the weeks after Riley’s death, Courtenay suffered further anguish, learning the specifics about her daughter’s death were available to anyone and everyone, because Riley’s autopsy report, like all others, was public record. It didn’t matter that she was a child.

Worse, Courtenay learned that podcasters and other opportunist ghouls were profiting from the horrific details of Riley’s murder.

Riley’s family and her community of friends and fellow students couldn’t escape those details – even if they wanted to. They were on social media, in the news... everywhere they turned.

Thanks to you, no parent in Colorado will have to fight the same fight Courtney has, because you passed Riley’s Law in 2023, protecting the identities of children who are victims of serious crimes by removing their names from criminal justice records, except in certain cases.

Now I am asking you to close the last of the gaps in Colorado open records law that leave children, their families and friends subject to further victimization. There is no need for strangers to have access to information about a child that would otherwise be part of a medical record which is protected by law.

While journalists and others may hold up the First Amendment and the public’s right to know, I’d push back against them – because I know firsthand that they don’t need every bit of information to do their jobs.

During my time as a newspaper reporter in Boulder County in the early 2000s – and one who almost exclusively covered criminal justice – I cannot recall a single time that a child’s identifying information was not redacted from an autopsy report I accessed, nor was that information provided to me immediately. I still got the job done.

Journalists and others may argue that, because autopsy reports and other details become public during criminal justice proceedings, it shouldn’t matter when they are made available.

I disagree. It does matter.

The pause that will occur by allowing coroners and medical examiners to legally protect children's identities will give grieving families some time to comprehend the loss they have suffered before the details of their beloved child's death become public, and the subject of news and paid content.

Before she was killed, Riley wasn't a famous person. Courtenay wasn't a public figure. Riley's murderer was in custody, awaiting trial. The public wasn't at risk.

So I ask you, did the public really need to know Riley's name, or did they need to know that a child was taken from this life, at work, by a violent and predatory adult? I'd argue it's the latter.

I'd further assert that the public certainly had zero need for access to every detail of her autopsy.

The rights of parents and victimized children should supersede those of journalists and the public, not the other way around.

It is very important to note that this bill allows for ample information to be released – a victim's age, gender and race, as well as the date, location, cause and manner of their death. It just protects a child's identity.

Further, it allows for the release of full autopsy reports to law enforcement, regulators and other appropriate agencies to hold criminals and other bad actors accountable.

The bill creates an avenue for public disclosure of an autopsy report if the need to do so substantially outweighs the harm to the privacy interests of the child and members of their family, and if the information sought by the petitioner is not otherwise publicly available.

Courtenay would tell you that Riley was a private person who would never have wanted others to be victimized by the details of her death – certainly not her mother or her friends and schoolmates. She'd tell you she has no doubt that Riley would stand up and ask you to change the law to prevent this from happening to another child and their community.

Please join Courtenay in strengthening Riley's legacy of protecting child victims. Please vote yes on HB24-1244.

Thank you for your careful consideration of this legislation and for your service to our state.

Respectfully,



Amanda Averch

Denver, CO

Chairman Weissman and committee members,

Thank you for taking the opportunity to read and digest my written testimony.

My name is Courtenay Whitelaw. I am in support of HB24-1244.

On June 11, 2022, my 17-year-old daughter Riley was murdered. Two months later her autopsy report was completed.

I became aware, at that moment, even a child's autopsy is available through public records requests within three business days of a report's completion. I was informed, media and podcasters had made requests even before it was completed and they had the right to the same information as me.

My first words were: "but I'm her mother, don't I have a say because she's a child?"

Riley is my ONLY child. As her mom, I am giving her voice for which she can no longer do. Riley would ask you to help prevent the revictimization of a child, their family and friends. Riley was a quiet, thoughtful leader amongst her peers. She'd be heartbroken in knowing the details of her autopsy were released and subsequently broadcast in multiple media formats locally and nationally. She'd have wanted her family and friends to be spared these horrific details.

This bill provides the public with needed pertinent information and allows for public accountability for faulty systems or agencies, while preserving the rights and dignity of children and their families. It sidelines those aiming toward financial gain by stirring the public's fascination with death, and in Riley's case, tied to a horrific crime against her.

The release of Riley's autopsy and the requests for it by media and social media influencers has forever negatively impacted my life and my family's. Private and gruesome details about my child were made readily available to the public. Not once did the individuals and organizations who shared it consider the aftermath.

I've felt powerless to protect the last of Riley's privacy and dignity. The subsequent publication of her autopsy report forced me to learn details that I wasn't ready to know and that I certainly wouldn't have wanted strangers to know before I did. As a family we, again, were forced to relive this nightmare in public.

I'm going to share details that are uncomfortable but need to be said in an effort to help you understand what is at stake when we allow autopsies - particularly those about children - to be shared with anyone; no questions asked; no protections in place.

First, imagine if this was your child, brother, sister, cousin, niece, nephew or grandchild. Would you be ok that anyone can request their autopsy and that it describes in detail not just physical wounds that they suffered but details of their appearance. These are intimate details of your

child such as, and I quote: “the nipples and breasts are unremarkable. The external genitalia are those of a fully developed adolescent female.”

Does it bother you to see a headline such as: “Autopsy: Teen stabbed more than 40 times in attack, Walgreens coworker in custody”? OR articles stating, “A subsequent autopsy determined that **Whitelaw** was beaten, strangled and stabbed at least 42 times with a Gerber multi-tool”?

Notice that the headline states: “Coworker in custody,” so there was no danger to the public that was addressed by sharing this information. Riley’s killer was in jail awaiting trial when the report was published. This begs the question about what reason existed for the public’s need to know her name? And what good did it do for the public to know private details about her body or the specific, horrific details of her death?

These headline-making details were among many other devastating injuries noted in Riley’s autopsy. Media, podcasters and others capitalized on the most shocking and salacious among them.

These aren’t casual details, but are information that would otherwise be found in medical reports - which are protected by law. Making this information public re-victimizes not only the child but those who love this child.

This isn’t just a problem of mainstream media sharing details either. It is a problem of social media too and even extends to any individual who is curious enough to request these reports. There are no stipulations for who has access and ALL you need is the individual’s name.

I alerted parents of Riley’s friends, teammates and the principal of her high school of what likely was coming, when I learned Riley’s autopsy report could - and likely would - be made public. I gave no graphic details but asked them to prepare themselves and to protect Riley’s community - kids - from learning the details from various platforms.

Still, Riley’s friends told me that they soon saw things as they scrolled Instagram, TikTok and other platforms even though they were NOT seeking information. The barrage of details was too much.

Some may argue that, because these details are revealed during court proceedings, it doesn’t matter when they are made public. But by the time they become evidence in court, families have been given ample time to process. Riley’s autopsy was not discussed in detail until her murderer’s trial, 16 months after her death and more than 14 months after autopsy completion.

In addition to all of this, I was fearful of facts being publicly known ahead of trial because it could complicate district attorneys’ ability to prosecute the case.

We love Riley and wanted to remember and read of her compassion, empathy, sense of humor, smile for which she’s coined “Smiley Riley” for, her intelligence and creativity. Instead, stories focused on how she died - not really who she was. The crime against Riley doesn’t define her but in the media and online, it largely has.

I'll be frank, it seems as though we are prioritizing and preserving the rights of news media, social media and the advertisers who pay them to get the clicks from sharing horrific details above those of children (who are often victims) and their families.

Indeed, I am vocal now but what choice was I given? I stand to protect children who come after Riley. They should be given what she and we were NOT afforded: privacy and dignity.

Riley and all children are worth more than gory details shamelessly broadcasted. A child's privacy - and their parents' ability to protect them - should not die with them.

Why are autopsy reports not protected like other health/medical information? I appreciate holding people or agencies accountable but what mechanisms do we have in place when it goes too far? Do profits matter over a child's privacy and dignity, or a parent's ability to protect their child?

There's permanency in details being shared on the internet and it's a life sentence for us while the rest move on only seconds after reading or watching something salacious.

PLEASE pass this bill to protect children and give families the right to share or not share.

Thank you, committee members for your time and attention.