

Guidelines for the Release of Death Scene and Autopsy Photographs

During the process of a death scene investigation, digital images and/or photographs should be obtained to photo-document the death scene and the body. If an autopsy / post mortem examination is to be performed, this examination should be photographed, especially the full body, externally and internally, as well as, injuries, injury patterns and identifying marks that assist with the determination of the Cause of Death and positive identification of the decedent.

It is recommended that a digital image or photograph shall never be deleted for whatever reason/purpose from your record or file. This could possibly cause you embarrassment and cause you to be subpoenaed to court for disposition of the issue and requiring you to explain your reasoning. At worst, the deletion could provide reasonable doubt in the case. Practically speaking, your rationale for deleting a photograph will probably never eliminate the doubt in the case that will be raised by the decision.

At times, the Coroner's Office will receive requests from other Government Agencies for a copy of the Coroner's Photographs. These requests can be from the investigating Local or State Law Enforcement Agency, District Attorney's Office, OSHA or any other Government Office. These images should be provided to the investigating Agency or the District Attorney's Office to assist with any investigation or prosecution. When processing the request(s), the images should be copied onto a CD-R disk, dated and a printed contact photo sheet should be printed. A Law Enforcement Photograph Release Form should be completed by you or a representative of your Office and signed by the requesting Agency Representative. The original is maintained in the death investigation case file and a copy should be given to the Requester. No charge or fees shall be charged to the Investigative Governmental Agency.

Also during the process of settling an estate or during civil litigation, your digital images or photographs could be requested by an interested third party, such as Insurance Companies or a civil attorney handling a civil lawsuit. It is suggested that this should be the only time the case images or photographs should be released to an outside entity. When a request is received for this purpose, the images should be copied to a CD-R Disk with a printed contact photo sheet with the images. If possible using a "Watermark" software process, a descriptive watermark should be used on the images, such as the name of your office and date. The release of these images/photographs should only be upon a subpoena or a written request made by the

Insurance Company or Attorney, with prepayment for the number of images/photographs requested. (Example: \$15.00 x 68 images = \$1,020.00) It is recommended that you work with your Board of Commissioners to develop a Reimbursement Fee Schedule for the provision of any Coroner and Autopsy Reports, Photographs, etc. ***See Title 16, Section 1236.1 – Requests for Examinations and Reports.***

All photographs and digital images taken in the course of a death investigation become the sole property of the County Coroner's Office.

There may be an occasion you receive a request from Next of Kin, Civil Attorney or an Insurance Company Investigator to view the case images / photographs, it is recommended that you have that individual sign a release to view these images / photographs due to the graphic depictions and nature of the death scene and autopsy.

Prior to releasing any digital images / photographs on any open investigation where the District Attorney is filing criminal charges, it is recommended that you verify with the District Attorney that it is appropriate to release requested digital images / photographs. You never want to jeopardize or lessen the integrity of an investigation.

Few things are more personal than the graphic details of a close family member's tragic death. Images of the body usually reveal a good deal about the cause and manner of death and the decedent's suffering during his/her final moments – all matters of private grief not generally shared with the world at large and have been found to be protected by the privacy rights of the 14th Amendment to the U.S. Constitution. *National Archives and Records Administration v. Flavish*, 541 US 157 (2004); *Campus Communications Inc. v. Earnhart*, Fla. 5th DCA, Case No. 5DOI-2419 (2002). ***It is recommended that no digital image or photograph ever be released to the media without a court order and after the next of kin has had an opportunity to seek to enjoin such a release.***

Attached: Law Enforcement Photograph Request Form (2 ply carbonless paper)

Release to View Coroner's Photographs



OFFICE OF THE CORONER COUNTY OF LEHIGH

501 WEST HAMILTON STREET
ALLENTOWN, PA 18101-1501
(610) 782-3426 (610) 820-8271 FAX

SCOTT M. GRIM, D-ABMDI
CORONER

PAUL R. ZONDLO
CHIEF DEPUTY CORONER

LAW ENFORCEMENT PHOTOGRAPH REQUEST FORM

Date of request: _____

Requesting Agency: _____

Requesting Officer: _____

Agency contact phone number: _____

The above listed agency/officer is hereby requesting a copy of photographs obtained by the Lehigh County Coroners Office in the below referenced death investigation. The photographs will be used for investigative purposes by the requesting agency.

Decedent's name: _____

Coroner's case number: _____

RELEASE CERTIFICATION

Number of images released: _____ Medium: _____

Released by: _____ Date: _____

Released to:(print name): _____

Signature: _____

Agency: _____

Office use:

Original- file

Copy- agency



Accredited by the International Association of Coroners and Medical Examiners





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CORONER

Release to View Coroner's Photographs

PAUL F. HOFFMAN, SR., D-ABMDI
CHIEF DEPUTY CORONER

I, _____, have been advised that the
(print name)

photographs I am about to view are graphic depictions of a death scene. The photos are untouched and even though I have been advised by the Lehigh County Coroner's Office Staff of the graphic nature of the photographs, I still wish to view them.

In invoking my wish to view the photographs; which can include scene and/or autopsy, I hold the Coroner, Coroner's Office Employees and the County of Lehigh harmless for any untoward effects I encounter from viewing the photographs listed below.

Photos to be viewed: Coroner's case number J _____ - _____

Decedent name- _____

Signature

Relationship

Printed Name

Date

Coroner's Office Staff Signature

Date

Coroner's Office Staff Signature

Date



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