

January 6, 2025

To: Human Services Committee
ND House

From: Mary Ann Sens, MD, PhD; Coroner, Grand Forks County, Forensic Pathologist

Re: House Bill 1116 Disclosure of an Autopsy Report

Honorable Chairman Klemin, Vice Chairman Karls, Vice Chairman Vetter, and Members of the House Judiciary Committee:

I am writing to question the need for House Bill 1116. I value legislation, but question a knee-jerk response of "there should be a law"

I have been the Chair of the Department of Pathology at UND for the last 22 years. I am a forensic pathologist with over 40 years of experience and since 2002 have performed forensic autopsies in ND. Since 2013, our office in Grand Forks has provided autopsy services to the coroners of the eastern half of North Dakota under contract with the State Forensic Examiner in Bismarck.

I fully agree that the Department of Corrections should have complete access to autopsy report when there is a death at a facility, particularly when they are charged with investigation of such a death. I believe this would readily be allowed under 23-01-05.5 b:

b. To any state's attorney A prosecutor or criminal justice agency, as defined by section 44 - 04 - 18.7 , including a prosecutor or criminal justice agency of the United States, any state, or any Canadian province, with jurisdiction over an investigation of the death and the state's attorney prosecutor or criminal justice agency may use or disclose these records for the purposes of an investigation or prosecution.

If this is not happening from the Eastern side, please contact me, accept my apologies for a screw-up, and we will resolve. The Bismarck office also agrees these should be released to Corrections when they are investigating a death. If the offices are not doing this under current law, it seems like we should be, and conversation is likely more effective than a law reiterating a law already present.

Ironically, my perception is that deaths in jails are difficult for us to assist with investigation because of a lack of interest on the part of investigators. In my experience, people in charge do not want to sit and discuss the case, understand what happened or did not happen, address any improvements to the system, etc. Maybe I spoke to the wrong folks, maybe they have been replaced, maybe I screwed up in another way, but the dialog is not there.

With the bill saying DOC cannot get the information and my impression is that some officials (I AM NOT saying the DOC, just jail deaths in general) appear not particularly interested in dealing with our office at least, I need to ask if communication is needed more than a law.

Again, I do not have objections but think this is covered. If I am wrong, change the law but I am concerned that someone felt this was needed and would like to engage to correct that problem. A forensic autopsy generally can contribute to a dialogue and improvement plan following an inmate's death. We would like to be a part of that without mandated legislation.

Respectfully

Mary Ann Sens