



**LEGISLATION &
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May 7, 2020

Honorable Reginald B. Jones-Sawyer, Chair
Public Safety
California State Assembly
Capitol Building, Room 2117
Sacramento, CA 95814

RE: AB 2372 (Irwin) as amended May 4, 2020 – OPPOSE

Dear Assembly Member Jones-Sawyer:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, **regrets to inform you that we respectfully oppose AB 2372**. This bill is scheduled for hearing before Assembly Public Safety Committee on May 19, 2020.

DRC is the state's designated protection and advocacy system, charged with protecting the rights of people with disabilities in California. DRC has the legal authority to inspect and monitor conditions in any facility that holds people with disabilities. Pursuant to this authority, DRC investigates facilities, institutions and programs to determine whether persons with disabilities have been subject to abuse and neglect. These facilities include, for example, nursing homes, hospitals, jails, juvenile halls, schools, shelters and service providers. Additionally, DRC is entitled to access records without consent from another party for any person who is deceased, and for whom DRC has received a complaint that the individual has been subject to abuse or neglect, or has determined that probable cause exists to believe that an individual has been subjected to abuse or neglect.

AB 2372 would prohibit the disclosure of any report of death, autopsy report, investigation summary, toxicology report, coroner's register, file or

other record, working paper, or note relating to a postmortem examination or autopsy of a decedent except for specified family members.

Unfortunately, we must oppose this bill.

Autopsy reports detail the cause of death and help describe whether abuse and neglect contributed to the death, and they provide policymakers and the public with vital information, not only about deaths that occur in facilities, but also about the police investigation work. They can also serve as a critical part of our investigations and reports. These records can reveal, as part of our investigations, whether the death of a person in a facility was the result of abuse and neglect and whether conditions in the facility continue to place others at risk. While DRC often obtains autopsy reports or other documents relating to post mortem examinations or autopsies, this bill could be misconstrued to limit that access authority.

Second, DRC often learns about abuse, neglect and deaths from public sources, such as the media, who have obtained records including autopsy reports. Those media or other public reports can serve as the basis for informing DRC on the opening of an investigation and also supporting the investigation findings. AB 2372 would limit important public information that we can use to protect abuse and neglect of persons with disabilities.

Lastly, although autopsy reports may be sensitive they are vital resources to ensure public and private accountability and can help ensure that suspicious deaths are subject to scrutiny. This bill would provide a formidable barrier for the public and oversight entities to obtain the critical information precluded by this bill.

For these reasons, DRC opposes this bill. Please contact me if you have any questions about our position or if I can provide any further information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Curtis Child". The signature is fluid and cursive, with the first name being more prominent.

Curtis Child
Legislative Director
Disability Rights California

cc: Honorable Members, Assembly Public Safety
Honorable Jacqui Irwin, California State Assembly
Lillian Tu, Fellow, Office of Assembly Member Irwin
Gary Olson, Consultant, Republican Caucus