

the Courthouse Journal

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Washington Association of County Officials
Washington State Association of Counties

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Imaging and Preservation Services Offers New Services for E-government!

It's not 'your father's microfilm bureau' any more! The Washington State Archives Imaging and Preservation Services program is offering a number of new services for managing your records.

In addition to traditional microfilm services offered by Imaging Services, there are a number of exciting new services for digitizing your documents. New services include microfilm scanning (16MM and 35MM roll film), paper scanning (including color!), and scanning large books and oversize documents in black and white, grayscale, or color.

Are you planning to implement a document imaging system, or already have one in place and are wondering "what do we do with all that information on microfilm?" Imaging Services can scan your existing film repository and provide you with standard TIFF (Tagged Image File Format) files that can be easily imported into your document imaging system. We use a state of the art microfilm scanner that is one of the fastest on the market and produces incredible images. Our rates are very affordable. Let us provide you with free sample images so that you can see the quality of our work.

Perhaps you already have an imaging system, but don't have enough staff or equipment to scan all of the documents you possess. Imaging Services can provide the labor and expertise to convert your paper files to images for import into your document imaging system.

Don't have the budget or IT support to implement an imaging system, but you'd still like to take advantage of the benefits of scanning your documents? Imaging Services can scan your documents and return them to you on an industry standard CD-ROM or DVD-ROM that will contain your images and all the software you need to search (including full text OCR search capabilities) for and view your documents. All you need is a standard office PC with a CD-ROM or DVD-ROM drive. There's no software or hardware to buy, and we'll do all the work for you, including pick up and delivery. PDF output is also available.

If you have fragile books or large format documents, we have a solution for digitizing the documents so that you can protect them from further damage. If you have one of a kind legal or historical documents and you're using these to provide service to the public or internal customers, they can be scanned on the Archives' Jumbo Scanner and accessed over your computer network. The original documents can be sent to the Archives for storage in the proper environmental conditions. You'll accomplish a number of things. You'll take these valuable documents out of the hands of your staff, so that further damage won't occur. You'll be able to access the information much faster by viewing them on your PC, and you'll be

able to preserve the documents by storing them in the proper humidity and temperature conditions at the Archives.

If you would like information

about any of these services, please contact Greg Mennegar at 360-586-2487 or gmennegar@secstate.wa.gov.

The Courthouse Journal

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We welcome your suggestions and contributions. The weekly deadline is noon Wednesday.

Direct inquiries and correspondence to *The Courthouse Journal*, 206 Tenth Ave SE, Olympia, WA 98501-1131 or www.wacounties.org.

WACO STAFF

Phone (360) 753-7319 / Fax (360) 664-2812

Debbie Wilke, Executive Director

Michelle Hagen, Deputy Director

Christina Bridston, Programs Coordinator

Brenda Bamford, Financial Operations Mgr

Kathie Houts, Administrative Assistant

WSAC STAFF

Phone (360) 753-1886 / Fax (360) 753-2842

Bill Vogler, Executive Director

Paul Parker, Assistant Executive Director

Maureen Morris, Deputy Director

Sophia Byrd, Policy Director

Law & Justice, Emergency Management

Jean Wessman, Policy Director

Human Services, Juvenile Justice, Housing

Scott Merriman, Policy Director

Transportation, Land Use

Vicki Kirkpatrick, Policy Director

Public Health & WSALPHO Administrator

Tom King, Associate

Research & Telecommunications

Jim Potts, Coordinator, Housing Outreach

Tom Robinson, Coordinator, Timber

Trina Bannister, Finance Manager

Ginni Peppert, Events Planner / Adm Asst

Barbara Warden, Meetings & Business Asst.

Beth Dubey, Accounting & Business Asst.

Tom Jensen, Technology Project Staff

Nicole Simpkinson, Special Projects

CPO PROGRAM

Julie Conlan, Certified Public Official
Coordinator

Environment, Land Use and Resources

Eastern Washington Counties and Ecology Discuss Watershed Planning Issues

About a dozen Eastern Washington counties met with Linda Hoffman, Director of the Department of Ecology, last week to discuss problems in developing and completing watershed plans under Chapter 90.82 RCW. Key concerns included questions of statutory interpretation, local authority and responsibility for decisions, and ability of the Department to reject local decisions.

Former Representative Gary Chandler, prime sponsor of the original watershed planning legislation, assisted by providing his views on legislative intent and process. He stressed that watershed planning in Washington involves shared responsibility between the state and local governments in order to work.

Director Hoffman assured the group that Ecology is committed to the watershed planning process and will work with counties to see that it works. Ecology will be meeting separately with the Okanogan County Commissioners soon to address specific issues in the Methow River WRIA 48. Eastern District President Mary Hunt will convene the Eastern Washington counties and Ecology for a second meeting on watershed planning issues in September.

New EFSEC Rules Scheduled for Public Hearing

In response to requests from stakeholders; the legislature; and Governor Locke, the Washington State Energy Facility Site Evaluation Council (EFSEC) is proposing to adopt new siting standards regulations for major energy facilities in Washington State. In addition, EFSEC is modifying and updating most of its other administrative regulations.

In 2001, EFSEC started a collaborative process with industry, environmental, public and private interest groups, and state, county and city governments to develop standards for siting major energy facilities in Washington State. After issuing and receiving public comment on several preliminary drafts of the rules, EFSEC is now formally proposing changes to its regulations (Title 463 of the Washington Administrative Code).

EFSEC is proposing to adopt siting standards regarding seismicity, noise, fish and wildlife, wetlands, water and air quality. EFSEC dropped a proposed carbon dioxide (CO₂) mitigation rule after the 2004 legislature passed Substitute House Bill 3141 that put into law a requirement for new energy facilities to mitigate a portion of the CO₂ that they would emit.

EFSEC's Chair Jim Luce said,

"These proposed rules will streamline EFSEC's siting process by assuring the standards for siting energy projects are known prior to submission of an application. In addition, we are updating our other administrative rules to improve the EFSEC process and help applicants, permit holders, and the public better understand our procedures."

The proposed siting standards and other administrative rule changes can be seen on EFSEC's website at www.efsec.wa.gov/rule_new.html. Comments on the proposed rules will be accepted until August 13, 2004. A

public hearing on the proposed rules is scheduled for 2 p.m., Tuesday, August 10, 2004, in Conference Room 308, 925 Plum Street SE, Olympia, Washington 98504. EFSEC will also accept email efsec@ep.cted.wa.gov and faxed (360-956-2158) comments concerning the proposed rules.

EFSEC will review any comments submitted and expects to consider final adoption of its proposed siting standards and other administrative rules changes in late October 2004, with the rules becoming effective in late November

2004.

EFSEC is an independent state board with a chair appointed by the Governor, and members appointed by five state agencies, responsible for regulating large energy facilities. Additional information regarding EFSEC, its rules and standards development, the projects currently under review, and other information concerning EFSEC can be found on its website at www.efsec.wa.gov.

Budget, Finance and Taxes

The E-Mail Trap

Reprinted from Governing Magazine

E-mail is the modern neighborhood activist's best friend, but it also may be her worst enemy. Thanks to e-mail, neighborhood leaders can alert homeowners, build indignation and organize protests with the stroke of a few keys. In the old days, they'd have made scores of phone calls and personal visits to turn out a decent crowd. But as one suburban Atlanta activist has learned, the old ways had at least one advantage: You can't subpoena the words spoken in a phone call, unless the call is taped. But you can subpoena the e-mail messages on a home computer, and attorneys for one disappointed real estate developer have done just that. The case involves a company that was trying to build a shopping center and houses in Gwinnett County. Early on, the neighbors objected, and the developer worked out a deal to reduce the shopping center size. But as negotiations were concluding, a county commissioner got involved, pointing out to association leaders that, since nearby areas were almost

entirely residential, they didn't have to compromise on anything. Neighborhood opposition stiffened, negotiations ended, and the county commission rejected the rezoning request. The developer sued, claiming the commissioner's intervention was improper. The proof, its lawyers said, lay on the hard drives of the neighborhood activists, and armed with a subpoena, it obtained them. Some of the e-mails are embarrassing. One, from the commissioner, applauds the neighborhood association's opposition and adds that she was sending the message from a personal computer rather than a county computer "because [this message] will never be subject to open records." Oops. In total, lawyers obtained 250 pages worth of e-mails back and forth from the commissioner to the activists. ("Unfortunately," said one of the neighborhood leaders, "I have a tendency not to delete my e-mails. I left quite a paper trail.") Legal experts are not at all surprised to learn about the developer's subpoenas. "These [conversations]

are things that would have been said over the telephone 25 years ago and lost forever," an expert about Internet issues at Harvard Law School pointed out. "[Now] they're not only a semi-permanent message but also are subpoenaable.... People have very little sense of how detailed a record we're leaving in the Internet space."

Courts, Public Safety, Law & Justice

County Clerk Urges Supreme Court to Pass Rule Concerning Access to Court Records

Chelan County Clerk Siri Woods made a presentation before the State Supreme Court Rules Committee, July 8, in support of a suggested new Rule concerning access to court records. Woods represented the Washington State Association of County Clerks, for whom she serves as a liaison to the Administrator for the Courts' Judicial Information System Committee (JISC). JISC approved the Rule.

The suggested Rule sets forth the guidelines for access to court records

in all state, district and municipal courts in Washington. The Rule was developed with the understanding that courts are public institutions and that most court records should be available for public inspection whether the records are obtained at the courthouse or through the Internet. However, the Rule does recognize that certain court proceedings are not publicly accessible. Under the proposal the courts will seal documents when it is necessary to protect the privacy of an individual.

Woods argued in favor of adopting the Rule, elaborating on the following points:

- The public is entitled to equal access to court records under Federal Law
- It reiterates State Law (Title 43 RCW)
- Case files are more than just judicial records – they are public records that are preserved for the benefit of the public
- Customers expect and request remote access
- Electronic document service will save county taxpayers money
- Confidential data can be protected without restricting access to the public portion of any legal file

Courthouse Ramblings

Walla Walla County Commissioners have appointed **Karen Fields** as the new Walla Walla County Assessor, effective July 8. Karen grew up in Walla Walla and worked as an appraiser for the Walla Walla County Assessor's Office from 1974-1977. She moved to Olympia and became an inter-county utility appraiser for the Washington State Department of Revenue, Property Tax Division from 1977 through 1988. Since that time she has held various positions with the Washington State Department of Licensing. The office became vacant in May with the death of long-time assessor Larry Shelley. Karen is planning to run for the unexpired term of office this fall.

Secretary of State Sam Reed has hired **Lori Guerrero** as the new HAVA (Help America Vote Act) Coordinator. Lori's first day will be Tuesday, July 27. She currently is employed as a Program Coordinator with Emergency Management, where she has been monitoring and managing public assistance disaster relief grants from the Federal Emergency Management Agency (FEMA) - specifically regarding the Nisqually earthquake event. In that role, she has interacted with numerous agencies, such as the Social Security Administration, Labor and Industries, County Prosecuting Attorneys, the Office of Financial Management, the Governor's Office, Legislative staff, and the Department of Revenue. Lori brings an in-depth knowledge

of grant administration that should be invaluable as the Secretary of State's office begins the process of fully implementing the Help America Vote Act.

John Didion, Pacific County Sheriff was named Citizen of the Week by the *Willapa Harbor Herald*. Sheriff Didion has been with the Sheriff's Office for 28 years, starting as a reserve in 1976, promoted to deputy in 1978 and elected sheriff in 1998. A quote from his nomination states "(John) is dedicated to the job of making the lives and property of Pacific County citizens as safe and secure as possible". Congratulations Sheriff Didion!

Good Things

Scholarship Auction Success

On behalf of the Washington Association of Commissioner & Council Clerks, President Julie Kjorsvik would like to thank everyone who attended their Scholarship Auction at the Washington State Association of Counties conference in Tacoma. "With your support, we raised \$3,200!" A huge thank you goes out to Commissioner Darcie Nielsen from San Juan County and her "partner in crime," Commissioner Perry Huston from Kittitas County, who once again graciously served as auctioneers. Everyone had a great time. Thanks again!

Life, Philosophy and Beer

When things in your life seem almost too much to handle... When 24 hours in a day is not enough; remember the mayonnaise jar.....and the beer.

A professor stood before his philosophy class and had some items in front of him. When the class began, wordlessly, he picked up a very large and empty mayonnaise jar and proceeded to fill it with golf balls. He then asked the students if the jar was full. They agreed that it was. So the professor then picked up a box of pebbles and poured them into the jar. He shook the jar slightly. The pebbles rolled into the open areas between the golf balls. He then asked the students again if the jar was full. They agreed that it was.

The professor next picked up a box of sand and poured it into the jar. Of course the sand filled up everything else. He asked once more if the jar was full. The students responded with an unanimous "yes." The professor then produced

two cans of beer from under the table and poured the entire contents into the jar, effectively filling the empty spaces between the sand. The students laughed. "Now," said the professor as laughter subsided, "I want you to recognize that this jar represents your life. The golf balls are the important things—your family, your children, your health, your friends, your favorite passions—those things that if everything else was lost and only they remained, your life would still be full. The pebbles are the other things that matter, like your job, your house, your car. The sand is everything else—the small stuff." "If you put the sand into the jar first," he continued, "there is no room for the pebbles or the golf balls. The same goes for life. If you spend all your time and energy on the small stuff, you will never have room for the things that are important to you." "Pay attention to the things that are critical to your happiness.

Play with your children. Take time to get medical check ups. Take your partner out to dinner. Play another 18 holes of golf. There will always be time to clean the house and fix the disposal. Take care of the golf balls first—the things that really matter. Set your priorities. The rest is just sand."

One of the students raised her hand and inquired what the beer represented. The professor smiled. "I'm glad you asked; it just goes to show that no matter how full your life may seem, there's always room for a couple of beers."

Calendar of Events

<i>Meeting</i>	<i>Location</i>	<i>Date</i>	<i>Information</i>
Calendar of Events online – www.wacounties.org For your convenience training and workshops are bolded .			
<u>JULY 2004</u>			
NACo Annual Conference	Maricopa County, Phoenix, AZ	July 16 – 20	www.naco.org
WA Counties Risk Pool – Risk Managers Training	Shilo Inn, Ocean Shores	July 20	(360) 586-7447
WA Counties Risk Pool Summer Conference	Shilo Inn, Ocean Shores	July 20 - 22	(360) 586-7447
WA Counties Risk Pool – Board of Directors Workshop	Shilo Inn, Ocean Shores	July 21	(360) 586-7447
Association of County Human Services	Best Inn, Ellensburg	July 21 - 23	(360) 753-1886
WA Counties Risk Pool Annual Board	Shilo Inn, Ocean Shores	July 22	(360) 586-7447
<u>AUGUST 2004</u>			
WA Association of County Officials Board of Trustees Meeting	WA Counties Building, Olympia	August 4 - 5	(360) 753-7319
EMC Task Force Meeting	WCB, Olympia	August 12	(360) 753-1886
WSAC Legislative Steering Committee	Oxford Suites, Yakima	August 12	(360) 753-1886
WA State Association of Counties Board of Directors Meeting	Oxford Suites, Yakima	August 13	(360) 753-1886
WA Counties Insurance Pool Rate Setting	Wyndham Gardens, SeaTac	August 19	(360) 586-0466
<u>SEPTEMBER 2004</u>			
LABOR DAY	WA Counties Bldg CLOSED	Sept. 6	(360) 753-1886
EMC Task Force	WA Counties Bldg, Olympia	Sept. 9	(360) 753-1886
WA Association of Prosecuting Attorneys – Juvenile Training Program	Icicle Inn, Leavenworth	Sept. 12 – 14	(360) 753-2175
Washington State Association of County Assessors (WSACA) Fall Conference	Everett, Snohomish County	Sept. 13 - 16	(425) 388-3446
Washington STATE	Primary Election Day	Sept. 14	http://www.vote.wa.gov/calendar/
County & Regional Planning Directors/City Planning Directors Joint Conference	Campbell's Resort, Chelan	Sept. 14 – 17	www.geocities.com/wsacrpdpd
WSAC Legislative Steering Committee	Tentative - TBD	Sept. 16	(360) 753-1886
WA Association of Prosecuting Attorneys – Drug Training Program	Icicle Inn, Leavenworth	Sept. 15 – 17	(360) 753-2175
Association of County Human Services	Grays Harbor County	Sept. 15 - 17	(360) 753-1886

Calendar of Events (continued)

WA Counties Insurance Pool Board	Radisson Hotel, SeaTac	Sept. 16	(360) 586-0466
WA Counties Insurance Fund Board	Radisson Hotel, SeaTac	Sept. 16	(360) 586-0466
Insurance Advisory Committee – 2005 Renewal	Radisson Hotel, SeaTac	Sept. 16	(360) 586-0466
Washington STATE	Resolutions - Last day for filing of special election to be held in conjunction with the general election	Sept. 17	http://www.vote.wa.gov/calendar/
Washington STATE	Committee Week-end - House and Senate	Sept. 20 - 21	
* Info and registration on all Certified Public Official (CPO) Training - http://www.wacounties.org/CPO/Course%20Calendar.htm			

The Cascade Center for Public Service and Leadership Course Coming Up

Take advantage of the opportunity to examine legacy issues in succession planning in the upcoming Cascade Center course "Leaving a Legacy" to be held September 9-10, 2004, in Olympia. Participants will look at the questions of how we act as trustees for the public and what legacy in life we will leave. You will be asked to integrate these reflections on legacy into the institutional issues of organizational sustainability and succession.

If you register for this course and reference this email within the next two weeks, we will be pleased to offer you a special tuition rate of \$600, which is a \$50 savings off of the regular tuition rate of \$650. Act now to take advantage of this special offer!

During this course participants will:

- Reflect upon the nature of public and personal trusteeship;
- Examine the leadership obligations associated with institutional trusteeship;
- Examine the impact of political environment and new challenges facing modern government;
- Discuss strategies to develop organizational sustainability and succession;
- Discuss strategies to ensure that leadership growth keeps pace with organizational growth;
- Guide participants in the development of an effective program for leadership succession; and
- Provide a space for personal reflection and the development of a personal legacy plan.

The instructors for this course are Diana Gale, Ph.D., a veteran of 25 years of developing leadership for the City of Seattle, and Pat Dobel, Ph.D., a professor and former Associate Dean at the University of Washington's Daniel J. Evans School of Public Affairs.

For more information and to register online, visit: www.cascadecourses.org. If you have any questions about this course or any of the Cascade courses, please contact the Cascade Center at 206-685-0523 or via e-mail at cascade@u.washington.edu. The Cascade Center for Public Service and Leadership is the executive education arm of the Daniel J. Evans School of Public Affairs at the University of Washington. The Cascade Center provides leadership and management training to managers and executives in public and nonprofit agencies.

Consumer Choices Can Help Hold Down Health Care Costs

by Washington Counties Insurance Fund

Most Americans no doubt are feeling the effects of soaring healthcare costs, which today represent the largest sector in the U.S. economy – roughly 14 percent of gross domestic product – accounting for more than food, housing or national defense. One thing is certain – rising healthcare costs negatively affect consumers and their employers, health insurers and federal, state and local governments.

The factors driving double-digit increases in healthcare costs are multiple and complex.

Prescription Drugs: Rising Costs, Rising Demand

Prescription drug costs grew by more than 15 percent last year as Americans filled 3 billion prescriptions – that’s more than 10 prescriptions for every man, woman and child – at a total retail cost of \$164.3 billion.

This number is expected to skyrocket as baby boomers age and begin to encounter more serious health conditions that require medication, such as arthritis, high blood pressure and diabetes. Aging boomers also are turning to prescription drugs to address lifestyle issues, such as hair loss.

A more controversial factor leading to rising drug costs are the billions that drug companies spend advertising their products to consumers. The advertising budget for the anti-arthritic drug Vioxx, the most advertised drug in 2003, was \$160 million. This exceeded the advertising budgets for household

name brands like Pepsi (\$125 million) and Nike (\$78 million). Not surprisingly, drug companies heavily promote newer, more expensive drugs to doctors and consumers, but not older, less expensive medicines that may be just as safe and effective.

What Consumers Can Do

Few consumers realize the drug they just picked up from the local pharmacy for \$15 or \$20 copayment may cost \$70 or more. For example, the highly advertised and best-selling heartburn medicine Prilosec averages \$144 per prescription.

As a consumer, you can make a difference. Talk to your doctor. Ask if you really need a particular brand name prescription or whether there is a generic available. Ask how long a drug has been in the marketplace and if it offers distinct advantages in cost, efficacy or reduced side effects.

There are also cases when over-the-counter pain relievers may suffice for many ailments, including simple pain relief. For example, the fifth-most prescribed drug today is Celebrex, a Cox-2 inhibitor used to treat arthritis pain. This drug costs about \$900 per year while ibuprofen, which costs only \$24 a year, may be all that’s necessary for many arthritis sufferers.

Finally, we all need to understand the importance of staying healthy. Not only will it have a positive effect on our overall well being, but also on our pocketbooks. If we are going to help hold down rising healthcare costs, we need to understand that our choices do matter and that they do have cost implications.

For more information about Washington Counties Insurance Fund and the services we offer, call

(360)586-0466.

POPS Project 03-08-43-0002
Tissue and Eye Donation Summary
November 1, 2003 through April 30, 2004

Detective Steve Stockwell, Washington State Patrol
 Candy Wells, Northwest Tissue Center
 Kara Laney, Northwest Lions Eye Bank

Introduction

The purpose of this study is to evaluate the effectiveness of the Problem Oriented Public Safety (POPS) project that provides tissue donation options to families that have lost a loved one in a fatal traffic collision. Northwest Tissue Center and the Northwest Lions Eye Bank are dedicated to the POPS Project's success, and will partner with the Washington State Patrol (WSP) to effectively focus efforts.

Method of Study

The donation programs use specific medical criteria to evaluate all POPS referrals as potential organ and tissue donors. Data is compiled from statistics from the Donor Referral Line. Data included within this study is from deaths referred from WSP traffic collisions.

Data Summary

POPS PROJECT	Nov '03-Jan '04	Feb '04-Apr '04	6 month total
Total number of traffic collisions	52	48	100
Total number of traffic collisions referred	52	48	100
Percent collisions referred	100%	100%	100%
Total number of deaths	59	55	114
Total number of referrals	59	55	114
Percent deaths referred	100%	100%	100%

TOTAL POTENTIAL DONORS	Nov '03-Jan '04	Feb '04-Apr '04	6 month total
Total deaths referred	59	55	114
Total potential donors	46	37	83
Potential donor rate	78%	67%	73%

TYPE OF DONORS	Nov '03-Jan '04	Feb '04 -Apr '04	6 month total
Total potential tissue donors	34	23	57
Total tissue donors	5	2	7
Total potential cornea donors	45	36	81
Total cornea donors	6	6	12
Total donors	6	6	12

There were 11 tissue donors and 18 cornea donors through July 10, 2004

APPROACH AND CONSENT	Nov '03-Jan '04	Feb '04-Apr'04	6 month total
Families contacted within time frame	11	15	26
Total donors	6	6	12
Family approach rate	19%	27%	23%
Donation consent rate	55%	40%	46%

DRIVERS LICENSE DESIG.**	Nov '03-Jan '04	Feb '04-Apr'04	6 month total
Total fatalities with WDL	48	47	95
Total designated as organ donor	15	12	27
Family approach rate	31%	25%	28%

**48% of individuals with a WDL are registered organ donors.

POTENTIAL DONORS	Nov '03-Jan '04	Feb '04-Apr '04	6 month total
<i>Family decline</i>	5	9	14
Unable to locate NOK within time frames*	18	13	31
Logistics**	7	1	8
Age rule out	0	2	2
Medical rule out	13	15	28
ME/Coroner rule out	10	7	17
Family unapproachable	0	2	2
Total donors	6	6	12
Total number of referrals	59	55	114

**Unable to recover within time frames

*The table below refers to the primary reason fatality victims did not become donors. This was due to the donation agency being informed that the next-of-kin had not been notified of the death. In looking into this further there appears to be several cases where the WSP notified the next-of-kin, but the ME/coroner was not aware that the notification had been made.

UNABLE TO LOCATE NOK	Nov '03-Jan '04	Feb '04-Apr'04	6 month total
Unable to locate NOK reported to donation agency	18	13	31
Death notification done by WSP within time frames (of the above)	11	7	18

% NOK notification done but not reported to ME/Coroner	61%	54%	58%
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Conclusions

1. A Referral call was placed on 100% of Washington State Patrol fatal traffic collisions in the first six months of the program.
2. Of the fatalities that had Washington State driver's licenses, 28% were designated as organ donors. In the State of Washington, 48% of drivers have designated themselves as organ donors.
3. Of the fatalities referred, 78% (83 of 114) had potential to donate tissue and/or corneas.
4. During the first six months of the program there have been a total of 12 donors (7 tissue and 12 cornea). There have been 11 tissue donors and 18 cornea donors through July 10, 2004.
5. Of the families approached with the option of donation, 48% have consented (12 of 26).
6. The primary reason fatality victims did not become donors, was due to the donation agency being informed that the next-of-kin had not been notified of the death. In looking into this further there appears to be several cases where the WSP notified the next-of-kin, but the ME/coroner was not aware that the notification had been made. Of the 31 cases where it had been reported that no family had been notified, 58% actually had been notified by the WSP within the time frame for donation.

Recommendations

1. Continue to monitor whether all fatalities have been referred to the donation agencies. Provide feedback to WSP Communications when a referral call was not made.
2. Provide feedback to the WSP, Medical Examiners, coroners and funeral home directors on the progress of the project.
3. Partner with the WSP to evaluate possible solutions that would provide next-of-kin information to the ME/coroner after death notification.