



HANDBOOK

Ohio County Commissioners

Published by: County Commissioners Association of Ohio

209 East State Street • Columbus, Ohio 43215-4309

Phone: 614-221-5627 • Fax: 614-221-6986 • www.ccao.org

CHAPTER 104

COUNTY CORONER

**Last Revision
January 2010**

104.01 INTRODUCTION

Each county elects a coroner quadrennially to serve a four year term which commences on the first Monday of January after election. The coroner is charged by Ohio law with the responsibility of determining the cause and manner of death in all cases of death by violence, accident, suicide, or suspicious or unusual manner (ORC 313.12). The coroner must also make inquiry into the death of any child under the age of two years when in apparent good health and for any developmentally disabled individual who dies within their jurisdiction. Ohio is one of two states that requires the coroner to be elected and to be a licensed physician.

The anatomic cause of death is a medical determination (i.e., pneumonia, gunshot wound, blunt head trauma, stab wound) while the manner of death is a medicolegal determination (was it accident, homicide, suicide, etc.) The investigation of a death involves both a medical and legal phase, and requires a specialized discipline correlating knowledge of both law and medicine.

The coroner's verdict as appears on death certificate filed with the Division of Vital Statistics is considered the legally accepted cause, manner and mode of death (ORC 313.19). The coroner's verdict pertains to only the physiological cause of death and does not determine criminal responsibility (State v Cousin, 5 O App 3d 32). A coroner's verdict may only be changed upon direct order from a common pleas court after a hearing (ORC 313.19). Only the coroner can sign the death certificate if the manner of death is anything other than a natural death.

104.02 QUALIFICATIONS – CONTINUING EDUCATION (ORC 313.02)

The Ohio Revised Code requires that a coroner be a licensed physician, admitted into

practice in Ohio for at least two years prior to election and in good standing. An osteopathic physician and surgeon licensed by the state also qualify for the office of coroner (State ex rel. Kester v. North, 136 OS 523). After election and prior to assuming the duties of coroner or upon appointment to the office and within 90 days after the appointment the person must complete 16 hours of continuing education sponsored by the Ohio State Coroners Association. During a coroner's four year term they must complete 32 hours of continuing education sponsored by the Ohio State Coroners Association of which 23 hours must be obtained during statewide meetings and the remaining 8 hours can be obtained during regional meetings.

104.03 SALARY (ORC 325.15)

Previously based upon a fee for services system, coroners now receive a statutory salary. Coroners in a county with a population of less than 175,000 are considered to be part-time and are allowed to maintain a private medical practice. In counties with a population of 175,001 and above the coroner is assumed to be full time, however, before taking office and prior to the commencement of each new term of office, the coroner may notify the board of county commissioners of the intention to engage in the private practice of medicine and will then be compensated per statute at a lesser amount for service as coroner. For more detailed information on the coroners' salary, See Chapter 72 of this *Handbook*.

104.04 PERSONNEL (ORC 313.05)

A coroner has the authority to appoint deputy coroners (one of which may be the chief deputy coroner), pathologists to help with autopsies and medical tests (can also be called deputy coroners), technicians, one or more secretaries and an official stenographer who records witness testimony and maintains official records.

If the coroner has an office, clerks, stenographers, custodians and investigators may be appointed by the coroner. A coroner may appoint as employees of the coroner's office a person who is an associate of, or who is employed by, the coroner or a deputy coroner in the private practice of medicine in a partnership, professional association, or other medical business arrangement. A coroner may appoint, as an investigator, a deputy sheriff within the county or a law enforcement officer of a political subdivision located within the county.

A coroner defines staff duties and sets staff salaries payable from the county treasury. Total compensation for employees of the office may not exceed the amount of money appropriated to the coroner's office by the county commissioners (ORC 325.17).

104.05 CORONER'S OFFICE

If a coroner's office is established in a county seat, it is considered the coroner's office, laboratory and county morgue (ORC 313.07). All unidentified, unknown and/or unclaimed bodies found in the county are held for identification and disposal in the

morgue (ORC 313.08). In counties where no office or suitable laboratory exists or where the coroner's laboratory does not have the equipment or personnel to follow the protocol established by rule of the Public Health Council (ORC 313.122), the coroner may request a coroner of another county to perform the necessary laboratory examinations. The cost charged for performing the examination shall be no greater than the actual value of the services of technicians and the materials used in performing such examination. It should be noted that a coroner may have an autopsy performed outside the county even though the county has its own facilities (State v. Cooper, 52 OS 2d 163). The coroner may use or may allow the use of the coroner's laboratory and facilities for tests in an emergency involving suspected toxic substances or for law enforcement-related testing, and may direct his assistants and other personnel to perform such testing in addition to testing performed in execution of their duties (ORC 313.21).

104.06 CORONER'S LABORATORY SPECIAL FUND (ORC 313.16 and 313.161)

Whenever an autopsy is performed, and the injury causing death occurred within the boundaries of another county, that county is responsible for and obligated to pay for the costs of the autopsy. Money derived from the fees paid for examinations/autopsies performed for another county shall be kept in a special fund, for the use of the coroner's laboratory. These funds shall be used to purchase necessary supplies and equipment for the coroner's laboratory and to pay any associated costs incurred in the performance of examinations/autopsies for other counties as determined by the coroner.

104.07 CORONER'S RECORDS (ORC 313.09)

The coroner shall keep a complete record of and shall fill in the cause of death on the death certificate, in all cases coming under his jurisdiction. All records shall be kept in the office of the coroner, or if no office is maintained, the records shall be kept in the office of the clerk of the court of common pleas. The report of the coroner and the detailed findings of the autopsy shall be attached to the report of each case. Autopsy reports and findings are delivered by the coroner to the county prosecutor in cases which, in either official's opinion, merit further investigation. Appropriate law enforcement officials may be requested to furnish more information or investigate further upon request of the coroner

104.08 PUBLIC RECORDS OF THE OFFICE (ORC 313.10)

The records of the coroner who has jurisdiction over the case, including, but not limited to, the detailed descriptions of the observations written during the progress of an autopsy and the conclusions drawn from those observations as filed in the office of the coroner are public records except for the following, which pursuant to ORC Section 313.10 (A)(2) are not public records:

1. Preliminary autopsy and investigative notes and findings made by the coroner or by anyone acting under the coroner's direction or supervision;

2. Photographs of a decedent made by the coroner or by anyone acting under the coroner's direction or supervision;
3. Suicide notes;
4. Medical and psychiatric records provided to the coroner, a deputy coroner, or a representative of the coroner or a deputy coroner under ORC Section 313.091. It should be noted that the release of a deceased person's medical or psychiatric records to a coroner, deputy coroner, or representative of a coroner or deputy coroner does not violate the doctor/patient confidentiality required under either ORC Section 4731.22 (B)(4) or 5122.31(ORC 313.091);
5. Records of a deceased individual that are confidential law enforcement investigatory records as defined in ORC Section 149.43;
6. Laboratory reports generated from the analysis of physical evidence by the coroner's laboratory that is discoverable under Criminal Rule 16.

All records in the coroner's office that are public records are open to inspection by the public, and any person may receive a copy of any such record or part of it upon demand in writing, accompanied by payment of a record retrieval and copying fee, at the rate of twenty-five cents per page or a minimum fee of one dollar. (ORC 313.10 (B))

The coroner shall provide a copy of the full and complete records of the coroner with respect to a decedent to a person who makes a written request as the next of kin of the decedent. (ORC 313.10 (C))

A journalist may submit to the coroner a written request to view preliminary autopsy and investigative notes and findings, suicide notes, or photographs of the decedent made by the coroner or by anyone acting under the coroner's discretion or supervision. The request shall include the journalist's name and title and the name and address of the journalist's employer and state that the granting of the request would be in the best interest of the public. If a journalist submits a written request to the coroner to view the records described in this division, the coroner shall grant the journalist's request. The journalist shall not copy the preliminary autopsy and investigative notes and findings, suicide notes, or photographs of the decedent. (ORC 313.10 (D))

An insurer may submit to the coroner a written request to obtain a copy of all records including those specifically defined as not to be public records to investigate a claim, determine coverage or determine the insurer's liability. Any records produced by the coroner are to remain in the care, custody, and control of the insurer and its employees or representatives at all times and the insurer, may not release or disclose the records to any other person except under limited circumstances defined in the statute. (ORC 313.10 (E))

104.09 INITIAL INVOLVEMENT OF CORONER IN DEATHS

Any physician, ambulance/emergency squad member or law enforcement agency must immediately notify a coroner when they come into contact with a person who dies, "as a result of criminal or other violent means, or by casualty, or by suicide, or suddenly when in apparent health, or in any suspicious or unusual manner" (ORC 313.12). The only exception to this mandatory notification is a death in areas of land owned by the federal government. A coroner has no authority to conduct an inquest within the federal territory (OAG 72-037).

104.10 JURISDICTION OF CORONER

Jurisdiction over any investigation, responsibility for determining whether an autopsy should be done, performing an autopsy, and paying for expenses relative to investigation, laboratory work, etc. rests with the coroner of the county where the death occurs (ORC 313.12). If an injury, which results in death, is sustained in one county and death occurs in another, the coroner in the county where the death occurred has jurisdiction and may order an autopsy. The obligation to pay for the autopsy lies with the county where the injury occurred. (See Section 104.06 above)

104.11 DUTIES AND RESPONSIBILITIES

After notification of any death where there is a doubt, question or suspicion that the person's death was not a natural one, a coroner has a legal obligation to examine the body. To facilitate examination, the coroner's office provides transportation of bodies to the county morgue. Suspicious deaths in which the possibility of a legal proceeding exists, warrant autopsies.

104.12 INVESTIGATORY DUTIES

TAKING CHARGE OF BODY AND SCENE - A coroner has absolute control over a scene of unexplained death and any evidence contained within an area, determined by a coroner, near the body. A coroner has control over the area for as long as deemed necessary in the exercise of the coroner's discretion (OAG 88-035). A coroner, deputy coroner, investigator or any other coroner's designee has exclusive right to issue orders to remove a body, clothing, articles/possessions. No one may disturb a scene under the coroner's control without an express order to do so (ORC 313.11; OAG 88-035; OAG 80-091). The coroner may secure, catalog, record, and, with the approval of the prosecuting attorney, destroy any dangerous drugs found at the scene of an investigation the coroner conducts, if the dangerous drugs are no longer needed for investigative or scientific purposes (ORC 313.221).

WITNESS TESTIMONY - A coroner or deputy coroner has authority to issue subpoenas, writs of execution (ORC 313.20), administer oaths to witnesses and question witnesses during an inquest of a suspicious death (ORC 313.17). The

testimony of witnesses is subscribed and filed in the coroner's office or office of the clerk of the courts. A coroner may order recognizance bonds of witnesses, and commit witnesses who fail to give bond when ordered to the county jail. Witnesses are also obligated to comply with coroner's subpoenas under contempt of court proceedings by either a probate or common pleas judge (ORC 313.17).

104.13 PERFORMANCE OF AUTOPSIES

A coroner does not need permission to perform an autopsy (ORC 2108.52; Everman V. Davis 54 O App 3d 119), but must consider religious objections to autopsies by deceased's family (ORC 313.131). The coroner may allow an employee of the coroner's office, a physician, dentist, nurse, professor at a medical school, medical student, medical resident, nursing student, an employee of a procurement organization, a member of a law enforcement agency, or any other person the coroner, in the coroner's discretion, determines is appropriate to view an autopsy of a decedent without receiving permission from the decedent's next of kin (ORC 313.23). The coroner's office staff is immune from a law suit if requesting, ordering, or performing an autopsy in good faith under the authority of ORC Chapter 313 (313.123).

104.131 AUTOPSY SPECIMENS (ORC 313.123)

All specimens taken from a body during an autopsy which are retained and not returned to the body by the coroner after the autopsy are medical waste and shall be disposed of in accordance with the applicable laws and regulations regarding the disposal of medical waste. If, however, the coroner has reason to believe that the autopsy is contrary to the deceased person's religious beliefs, the coroner shall not remove any specimens from the body of the deceased person unless removing those specimens is a compelling public necessity. Except for retaining a DNA specimen, any specimens removed from the body of the deceased person shall be returned as soon as is practicable to the person who has the right to the disposition of the body.

104.132 AUTOPSIES ON CHILDREN (ORC 313.12).

Coroners are mandated to perform autopsies on children under two years of age who die while in "apparent good health." The law further stipulates that a coroner must send final results of the autopsy to the Ohio Department of Health, the health district or department with jurisdiction in the area where the child's parents live, and if requested by the parents, to the child's physician and the child's parents. A method for such autopsies must be developed by the Public Health Council in consultation with the Ohio State Coroners Association (ORC 313.122).

104.14 MEMBER OF CHILD FATALITY REVIEW BOARD

The coroner or his designee is one of the seven mandatory members of the child fatality review board provided for in ORC Sections 307.621 through 307.629. The purpose of the child fatality review board is board to review the deaths of children under eighteen

years of age for the purpose of gaining insight into and aiding in the decrease of the incidence of preventable child deaths.

104.15 COOPERATION WITH ORGAN DONATION PROCEDURES

A coroner is required to cooperate with procurement organizations as provided for in ORC Sections 2108.26 to 2108.271 to maximize the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, or education.

If the coroner or the coroner's designee elects to deny recovery of an organ, tissue, or eye from a decedent two years of age or older whose body is under the jurisdiction of the coroner, the coroner or designee is required by ORC Section 2108.267 to document the denial by:

1. Explaining in a record the specific reasons for not allowing recovery of the part;
2. Including in the records of the coroner the specific reasons for not allowing recovery of the part; and
3. Providing a record with the specific reasons for not allowing recovery of the part to the procurement organization.

A coroner or coroner's designee shall not be subject to liability in tort or other civil action for denying recovery of a part from a decedent whose body is under the jurisdiction of the coroner (ORC 2108.272). Furthermore a coroner acting in good faith is not liable in damages for injury resulting from acting or attempting to act in accordance with ORC Sections 2108.01 to 2108.29 regarding the recovery of anatomical gifts (313.30).

104.16 UNIDENTIFIED BODIES (ORC 313.08)

The coroner is required to make a reasonable attempt to promptly identify the body or remains of a deceased person. The coroner may use any means available in attempting to identify the body or remains.

If the coroner is unable to identify the body or remains of a deceased person within thirty days after the body or remains of the deceased person are delivered to the coroner, the coroner shall notify the Bureau of Criminal Identification and Investigation (BCI&I) that the body or remains are located in the county morgue or are in the custody of the coroner and forward a DNA specimen from the body or remains of the deceased person to the Bureau.

If the body or remains of a deceased person can not be identified, in addition to notifying BCI&I the coroner is required to do all of the following prior to disposing of the body or remains:

1. Take the fingerprints on the forms furnished by BCI&I;

2. Photograph the body or remains of the deceased person;
3. Collect in a medically approved manner a DNA specimen; and,
4. Promptly cause the fingerprints, the photographs, and the DNA specimen to be forwarded to BCI&I for inclusion in the unidentified person database and forwarding to the national crime information center and the national DNA index system.

104.17 DISPOSAL OF BODY AND POSSESSIONS

If a body is unclaimed and relatives of the deceased are unknown, a coroner makes a reasonable effort to locate relatives or friends of the deceased. When these efforts are exhausted, the body is buried at county expense, and all possessions found in connection with or pertaining to the body (except burial clothing) are sold by the coroner at public auction with all proceeds from the sale going to the county treasury (ORC 313.14).

Any firearms found with the body are given to a municipal police department if the body is found within a municipality, or to a sheriff's office if found outside a municipality. The weapons must be inventoried by the agency and either used for law enforcement purposes or destroyed (ORC 313.141).

104.18 MOTOR VEHICLE ACCIDENTS

The coroner, deputy coroner, or pathologist is mandated to take blood samples from the operator of a motor vehicle killed in an accident, crash or who has died from injuries sustained in an accident. The blood samples are to be tested to determine alcohol and/or drug content. Religious beliefs of the deceased or deceased's family do not hinder application of the chemical test (ORC 313.131(F)(2)).

104.19 DISINTERMENT OF BODY

Disinterment of a body may be ordered by a coroner or a prosecutor and must be done under the supervision of the coroner (ORC 313.18).

104.20 CORONER SERVES AS ACTING COUNTY COMMISSIONER

Under ORC 305.03 if at any time two county commissioners in a county are absent and have filed a physician's certificate as required under that section the county coroner, in addition to performing the duties of coroner, shall serve as county commissioner until at least one of the absent commissioners returns to office or until the office of at least one of the absent commissioners is deemed vacant under that section and the vacancy is filled. Upon the coroner's request, they shall be paid a per diem rate for the coroner's service as a commissioner which is determined based upon the annual salary of the county commissioner whose term began the same year as the coroner's term. Before

assuming the office of acting county commissioner, the coroner shall take an oath of office and give a new bond as required for a commissioner under ORC 305.04.