

## **CORONER'S AUTOPSIES**

It is the policy of the Hamilton County Coroner to order an official autopsy in cases of death resulting from:

- a. homicide
- b. suicide
- c. motor vehicle accidents
- d. fire or burns
- e. any means while in jail or in custody
- f. industrial accidents
- g. other selected accidents.

**Section 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, but, if no such office is maintained, then such records shall be kept in the office of the clerk of the court of common pleas. Such records shall be properly indexed, and shall state the name, if known, of every deceased person as described in section 313.12 of the Revised Code, the place where the body was found, date of death, cause of death, and all other available information. The report of the coroner and the detailed findings of the autopsy shall be attached to the report of each case. The coroner shall promptly deliver, to the prosecuting attorney of the county in which such death occurred, copies of all necessary records relating to every death in which, in the judgment of the coroner or prosecuting attorney, further investigation is advisable. The sheriff of the county, the police of the city, the constable of the township, or marshal of the village in which the death occurred may be requested to furnish more information or make further investigation when requested by the coroner or his deputy. The prosecuting attorney may obtain copies of records and such other information as is necessary from the office of the coroner. All records of the coroner are the property of the county.

### **I. DEFINITION OF TYPES OF DEATHS REPORTABLE TO THE CORONER'S OFFICE**

- A. Accidental deaths:** All forms including death arising from employment.

1. Blows or other forms of mechanical violence.
2. Crushing by a falling object.
3. Cutting or stabbing.
4. Drowning (actual or suspected).
5. Electrical shock.
6. Explosion.
7. Exposure.
8. Firearms.
9. Nonpathological fractures of bones, such cases to be reported even when fracture is not primarily responsible for death.
10. Falls.
11. Carbon monoxide poisoning.
12. Hanging.
13. Heat exhaustion.
14. Sunstroke.
15. Poisoning (food poisoning, occupational poisoning or other).
16. Strangulation.
17. Suffocation (foreign object in the air passages, by bedclothing or other means).
18. Vehicular accident (automobile, airplane, boat, bus, train, motorcycle, bicycle or other).
19. Conflagrations.

**B. Homicidal deaths.**

**C. Suicidal deaths.**

**D. Sudden deaths:** If the death occurs when in apparent health or in any suspicious or unusual manner including:

1. DOA - Any person pronounced dead on arrival at any hospital, emergency room, or doctor's office shall be reported.
2. Infants and young children - Any infant or young child found dead shall be reported.
3. All stillborn infants where there is suspected or actual injury to the mother.
4. All deaths occurring within 24 hours of admission to a hospital unless the patient has been under the continuous care of a physician for a natural disease which is responsible for death.
5. Deaths in jail or in custody.
6. Deaths which follow injuries sustained at place of employment whenever the circumstances surrounding such injury may ultimately be the subject of investigation. Deaths in this classification including caisson disease (bends), industrial infections, silicosis, industrial poisonings, contusions, abrasions, fractures, burns, or other injuries received during employment which in the opinion of the attending physician are sufficiently important, either as the cause of death, or to warrant stating them on the death certificate.
7. Deaths under unknown circumstances, whenever there are no witnesses or where little or no information can be elicited, concerning the deceased person.
8. Sudden death on the street, at home, in a public place, or at place of employment.
9. Alcoholism.
10. Drug abuse, habitual use of drugs or drug addiction.

**E. Therapeutic Complications (Diagnostic or Therapeutic)**

1. Anesthetic - Deaths due to or contributed to by anesthesia or complications arising therefrom.

2. Surgical - Deaths due to or contributed to by surgical procedure or complications arising therefrom.

3. Operative - Deaths due to anesthesia or surgical procedure or contributed to by them or where there is doubt as to which factor is involved.

4. Medication - Deaths due to the administration of a drug, serum, vaccine, or any other substance for diagnostic, therapeutic or immunological purpose.

5. Blood transfusions - Deaths following the administration of blood or blood components where there is reason to believe that such administration contributed to the death.

**F. Any death in which there is a doubt, question or suspicion.**

## **II. AUTOPSY**

### **A. Official, By Coroner's Order**

Any case falling within the jurisdiction of the Coroner is subject to the discretionary performance of an official autopsy, i.e., one ordered under the statutory authority of the Coroner. Such an autopsy is performed without the consent of, and even in the face of affirmative opposition from the spouse or next of kin. This authority is defined in:

#### O.R.C. 313.13 AUTOPSY

The Coroner or deputy coroner may go to the dead body and take charge of it. If, in the opinion of the coroner, or, in his absence, in the opinion of the deputy, an autopsy is necessary, such autopsy shall be performed by the coroner, deputy coroner or pathologists. A detailed description of the observations written during the progress of such autopsy, or as soon after such autopsy as reasonably possible, and the conclusions drawn therefrom shall be filed in the office of the coroner.

### **B. Objection to Performance of Autopsy**

#### O.R.C. Section 313.13(c)

Religious objections to the performance of an autopsy are allowed under Ohio law.

A relative or friend of the deceased may inform the coroner that an autopsy is contrary to the religious beliefs of the deceased. The coroner may contest the objection when the autopsy is a compelling public necessity.

### **C. Consent Autopsy**

If an autopsy is not ordered by the Coroner in these same categories of cases reportable to the Coroner, the body will be released to the family. Thereafter, the post mortem examination may be performed with the written consent of the immediate next of kin, as provided in:

Sections 2108.50, 2108.51 and 2108.52, O.R.C.

#### **1. O.R.C. 2108.50 - POSTMORTEM EXAMINATION; PERSONS WHO MAY GIVE CONSENT.**

An autopsy or post-mortem examination may be performed upon the body of a deceased person by a licensed physician or surgeon if consent has been given in the order named by one of the following persons of sound mind and eighteen years of age or older in a written instrument executed by him or on his behalf at his express direction:

- (a) The deceased person during his lifetime;
- (b) The decedent's spouse;
- (c) If there is no surviving spouse, if the address of the surviving spouse is unknown or outside the United States, if the surviving spouse is physically or mentally incapable of giving consent, or if the deceased person was separated and living apart from such surviving spouse, then a person having the first named degree of relationship in the following list in which a relative of the deceased survives and is physically and mentally able and capable of giving consent may execute consent:
  - (1) Children;
  - (2) Parents;
  - (3) Brothers or sisters.
- (d) If there are no surviving persons of any degree of relationship listed in division (c) of this section, any other relative or person who assumes custody of the body for burial.
- (e) A person authorized by written instrument executed by the deceased person to make arrangements for burial.

Consent may be revoked only by the person executing the consent and in the same manner as required for execution of consent under this section.

As used in this section "written instrument" includes a telegram or cablegram.

### **III. WHO REPORTS THE DEATH TO THE CORONER'S OFFICE?**

#### **A. PROHIBITION OF DISTURBANCE OF BODIES.**

**Section 313.11.** (A) No person shall, without an order from the coroner, purposely remove or disturb the body of any person who has died in the manner described in section 313.12 of the Revised Code, or purposely and without such an order disturb the clothing or any article near such a body or any of the possessions which the coroner has a duty to store under Section 313.14 of the Revised Code.

(B) It is an affirmative defense to a charge under this section that the offender attempted in good faith to rescue or administer life-preserving assistance to the deceased person, even though it is established he was dead at the time of the attempted rescue or assistance.

(C) Whoever violates this section is guilty of unlawfully disturbing a body, a misdemeanor of the fourth degree.

#### **B. REPORTING A DEATH**

**Section 313.12.** When any person 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, the physician called in attendance, or any member of an ambulance service, emergency squad, or law enforcement agency who obtains knowledge thereof arising from his duties, shall immediately notify the office of the coroner of the known facts concerning the time, place, manner, and circumstances of such death, and any other information which is required pursuant to section 313.01 to 313.22 of the Revised Code. In such cases, if a request is made for cremation, the funeral director called in attendance shall immediately notify the coroner.

**1947 OAG OPINION NO. 1723** In case of death of any person in a hospital, resulting from accident, it is the duty of the physician and of any other person having knowledge of the fact, immediately to notify the Coroner of death, and of time, place, manner and circumstances thereof.

#### **C. O.R.C. SECTION 2917.41 SUPPRESSION OF EVIDENCE WHEN BODY BEARS MARKS OF VIOLENCE**

No person shall receive a human body having on it marks of violence, at a Medical College, Medical Society, School of Anatomy, or other place, without giving notice forthwith to the Coroner of the county wherein such body is then located. Whoever violates this section shall be fined not less than five hundred nor more than one thousand dollars and imprisoned not less than one nor more than ten years. The Coroner, upon receipt of such notice, shall hold an inquest.

#### **D. O.R.C. SECTION 2923.08 MUTILATION OR DESTRUCTION OF DEAD HUMAN BODY.**

No person, not lawfully authorized to do so, shall mutilate or destroy any portion of a dead human body. Whoever violates this section shall be fined not more than ten thousand dollars or imprisoned not more than ten years.

#### **IV. GEOGRAPHIC JURISDICTION OF CORONER**

- A. IN OPINION NO. 1204 OF 1964, the Attorney General held that, “It is the duty and obligation of the coroner of the county in Ohio in which the death occurs to complete and sign the medical certification as to the cause of death on a death certificate where death occurs from casualty or suspicious circumstances happening in another state.”
- B. IN 1963 OAG NO. 470, it was held that, “1. Where death results in one county from casualty or suspicious circumstances occurring in another county, the coroner within whose jurisdiction the injury causing death occurred is authorized to conduct the inquest and the inquest must be held in that county.”

In holding that the coroner of the county in which the death occurred must sign the death certificate, the attorney general noted that there is a distinction between the duty of the holding of a coroner’s inquest, as discussed in 1963 OAG No. 470, and the duty of making the medical certification of death contained in the death certificate.

#### **V. PRONOUNCEMENT OF DEATH**

- A. ATTORNEY GENERAL’S OPINION NO. 72-116, State of Ohio, states that upon an examination of pertinent sections of the Ohio Revised Code, only a physician can make the pronouncement of death. This does not mean that the physician must, in all instances, examine the body immediately before making the pronouncement. Where a body is found under circumstances indicating death, and where no physician is known to have been treating the deceased, no pronouncement of death can be made until some physician has actually examined the body. However, if the deceased has been under medical care, and if a physician is thoroughly familiar with the medical history, and if a nurse or some other competent observer recites the facts of the deceased’s present medical condition to the physician by telephone, the physician, if satisfied that death has occurred, may make the final diagnosis and pronouncement then and there. The pronouncement of death is a medical decision that is subject to review like any other medical decision and the physician must be prepared to justify his pronouncement. ( Letter from office of the Attorney General dated June 1, 1973 interpreting Attorney General’s Opinion No. 72-116.)

#### **VI. WHAT AUTHORITY DOES THE CORONER HAVE IN REGARD TO THE BODY?**

AS REQUIRED BY THE REVISED CODE OF THE STATE OF OHIO,

**Section 313.13.** The coroner or deputy coroner may go to the dead body and take charge of it. If, in the opinion of the coroner, or, in his absence, in the opinion of the deputy, an autopsy is necessary, such autopsy shall be performed by the coroner, deputy coroner, or pathologists. A detailed description of the observations written during the progress of such autopsy or as soon after such autopsy as reasonably possible, and the conclusions drawn therefrom shall be filed in the office of the coroner. If he takes charge of and decides to perform, or performs, an autopsy on a dead body under this section, the coroner, or in his absence, the deputy coroner, may, under division (E) of section 2108.02 of the Revised code, waive his paramount right to any donated part of the dead body.

**Section 313.14.** The coroner shall notify any known relatives of a deceased person who meets death in the manner described by section 313.12 of the Revised Code by letter or otherwise. The next of kin, other relatives, or friends of the deceased person, in the order named, shall have prior right as to disposition of the body of such deceased person. If relatives of the deceased are unknown, the coroner shall make a diligent effort to ascertain the next of kin, other relatives, or friends of the deceased person. The coroner shall take charge and possession of all moneys, clothing, and other valuable personal effects of such deceased person, found in connection with or pertaining to such body, and shall store such possessions in the county coroner's office or such other suitable place as is provided for such storage by the board of county commissioners. If the coroner considers it advisable, he may, after taking adequate precautions for the security of such possessions, store the possessions where he finds them until other storage space becomes available. After using such of the clothing as is necessary in the burial of the body, in case the cost of the burial is paid by the county, the coroner shall set at public auction the valuable personal effects of such deceased persons, found in connection with or pertaining to the unclaimed body, except firearms, which shall be disposed of as provided by section 313.141 of the Revised Code, and he shall make a verified inventory of such effects. Such effects shall be sold within eighteen months after the burial, or after delivery of such body in accordance with section 1713.34 of the Revised Code. All moneys derived from such sale shall be deposited in the county treasury. A notice of such sale shall be given in one newspaper of general circulation in the county, for five days in succession, and the sale shall be held immediately thereafter. The cost of such advertisement and notices shall be paid by the board upon submission of a verified statement therefore, certified to the coroner.

This section does not invalidate section 1713.34 of the Revised Code.

#### SECTION 313.141 FIREARMS

**Section 313.141.** If firearms are included in the valuable personal effects of a deceased person who met death in the manner described by section 313.12 of the Revised Code, the coroner shall deliver the firearms to the chief of police of the municipal corporation within which the body is found, or to the sheriff of the county if the body is not found within a municipal corporation. The firearms shall be used for law enforcement purposes only or they shall be destroyed. Upon delivery of the firearms to the chief of police or the sheriff, the law

enforcement officer to whom the delivery is made shall give the coroner a receipt for the firearms that states the date of delivery and an accurate description of the firearms.

**Section 313.15.** All dead bodies in the custody of the coroner shall be held until such time as the coroner, after consultation with the prosecuting attorney, or with the police department of a municipal corporation, if the death occurred in a municipal corporation, or with the sheriff, has decided that it is no longer necessary to hold such body to enable him to decide on a diagnosis giving a reasonable and true cause of death, or to decide that such a body is no longer necessary to assist any such officials in his duties.

**Section 313.16.** In counties where no coroner's laboratory has been established, the coroner may request a coroner of a county in which such a laboratory is established to perform necessary laboratory examinations, the cost of which shall be no greater than the actual value of the services of technicians and the materials used in performing such examination. Money derived from the fees paid for these examinations shall be kept in a special fund, for the use of the coroner's laboratory, from which fund replacements can be made. Such funds shall be used to purchase necessary supplies and equipment for the laboratory.

## **VII. WHAT AUTHORITY DOES THE CORONER HAVE IN REGARD TO INVESTIGATION INTO THE CIRCUMSTANCES OF THE DEATH?**

AS REQUIRED BY THE REVISED CODE OF THE STATE OF OHIO,

**Section 313.17.** The coroner or deputy coroner may issue subpoenas for such witnesses as are necessary, administer to such witnesses the usual oath, and proceed to inquire how the deceased came to his death, whether by violence to self or from any other persons, by whom, whether as principals or accessories before or after the fact, and all circumstances relating thereto. The testimony of such witnesses shall be reduced to writing and subscribed to by them, and with the findings and recognizances mentioned in this section, shall be kept on file in the coroner's office, unless the county fails to provide such an office, in which event all such records, findings and recognizances shall be kept on file in the office of the clerk of the court of common pleas. The coroner may cause such witnesses to enter into recognizance, in such sum as is proper, for their appearance at the succeeding term of the court of common pleas, to give testimony concerning the matter. He may require any such witnesses to give security for their attendance, and, if any of them fails to comply with his requirements he shall commit such person to the county jail until discharged by due course of law. In case of the failure of any person to comply with such subpoena, or on the refusal of a witness to testify to any matter regarding which he may lawfully be interrogated, the probate judge, or a judge of the court of common pleas, on application of the coroner, shall compel obedience to such subpoena by attachment proceedings as for contempt. A report shall be made from the personal observation by the coroner or his deputy of the corpse, from the statements of relatives or other persons having any knowledge of the facts, and from such other sources of information as are available, or from the autopsy.