

Santa Barbara County Sheriff's Office

CORONER'S MANUAL



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SPECIFIC DUTIES IN CORONER CASES

April 28, 2016 (Revised)

The purpose of this Coroner's Manual is not to amend or modify the Sheriff's Office's Lexipol Policy. That document provides procedures and definitions relating to Coroner's operations.

This Coroner's Manual is an internal document, the purpose of which is to clarify duties and responsibilities for patrol deputies and Coroner's Unit staff.

Patrol Responsibilities

- A. Patrol deputies and supervisors exercising the role of Deputy Coroners shall be familiar with the "*Coroner Manual*" and should follow all procedures and guidelines contained within this manual.
- B. In Coroner cases handled by patrol, the Field Supervisor shall be notified of the death and may respond to the scene for evaluation.
- C. Patrol deputies shall respond to the death scene, mortuary or Coroner's Facility and conduct a complete visual examination of the body when the death is determined to fall under the guidelines of California Government Code 27491.
- D. In all cases, the patrol deputy shall prepare and complete a Coroner's Report **AND** submit an email to the Coroner's Bureau. On non-coroner cases *see non-coroner guideline*.
- E. Coroner's Unit and Criminal Investigations Chain of Command shall be notified in the following death cases:
 - a. Homicide
 - b. Jail or in-custody death (does not include Lompoc Federal Correctional Complex)
 - c. Suspicious death with the possibility of foul play, or unusual circumstances.
 - d. Suspected SIDS
 - e. Any case where the Sheriff has been officially requested and has consented to conduct an investigation.
- F. Whenever necessary or desired, patrol deputies or supervisors may contact a Coroner's investigator for information or advice relative to a death investigation.

RESPONSIBILITIES OF THE DEPUTY CORONER

April 28, 2016 (revised)

In Santa Barbara County the Sheriff is also the Coroner. Deputy Sheriffs, therefore, also serve as Deputy Coroners. Whenever a death is reported to the Sheriff's Office and it appears to fall within the parameters of 27491, a Deputy Coroner shall be dispatched to the scene. The Deputy Coroner shall be responsible for

- (a) Making a preliminary investigation of the scene.
- (b) Preparing an official Coroner's Report.
- (c) Assuring the proper disposition of the body.
- (d) Protecting the decedent's property and estate.
- (e) Protecting the rights of the decedent.
- (f) Notifying the next of kin.

A. PRELIMINARY INVESTIGATION AT SCENE OF DEATH:

The assigned patrol deputy shall make a cursory examination of the deceased and the location to rule out homicide or suspicious circumstances. If either are suspected, the deputy should stop and notify his/her supervisor who will then notify the CID Chain of Command.

The assigned patrol deputy is responsible for the disposition of the decedent, the decedent's property and estate. All should be documented and secured, as the liability for property is now the responsibility of the Sheriff's Office.

During the examination of the scene the deputy shall take note of the general appearance and condition of the place where the death occurred.

In your examination of the body, you shall remove all clothing and document all unusual marks, scars, tattoos, and surgical incisions. You will then photograph the decedent at BOTH the scene and the coroner's facility or mortuary.

While at the scene, the deputy shall make every attempt to locate the next of kin (spouse, child, sibling, etc). Document in an email to the Coroner's Bureau and in your report the attempts made to locate and notify the next of kin.

The deputy should collect any evidence related to the death, i.e. valuables, suicide notes, wills or other documentation related to the death. DO NOT book these items into evidence; they shall be booked at the Coroner's Bureau or respective substation in the Coroner's Property Locker.

B. PROTECTION OF THE DECEASED PROPERTY AND ESTATE

In any Coroner's case, regardless of the location of death, the deputy must take possession of all personal property of the deceased, unless there is a legal next of kin present who will accept the responsibility for the property OR the property can be secured in the residence. If, in the opinion of the deputy, some problem might arise from the release of property to any next of kin, the deputy should retain the property and advise the parties to contact the Coroner's Office. Prescription medications for the decedent shall be collected.

When the death is a result of a suicide, search for and collect the suicide note. In a case where the suicide occurs within the jurisdiction of a city police department, advise the investigating officer that the Coroner's Bureau will provide a copy of the note to their department if needed.

In the case of a vehicle accident fatality, collect all personal property in the vehicle (e.g. purse, cellphones, etc.). If such items were taken by another agency (e.g. CHP or PD), document this in report and obtain the case number from other agencies.

When a vehicle is not legally parked and related to the death, the vehicle is now Coroner property. Submit a CHP-180 and tow the vehicle to the nearest Sheriff's Office impound yard. The CHP-180 must be submitted to the area station. Do not send it to the Coroner's Bureau.

510.2.7 VEHICLE STORAGE - CORONER'S CASES

When a vehicle is associated to a coroner's case it should be towed for safekeeping. When towed, the vehicle shall be STORED for safekeeping under the California Government Code § 27491.3 and should be taken to the designated Department Impound Yard to alleviate any daily storage fees to accrue for the next of kin.

Because the tow fees charged to the Sheriff's Office have been established through the Tow Service Agreement, the deputy shall use the next tow company on the rotation list through dispatch. The deputy should insure the tow company is specifically told that the tow is being done under the auspices of the Coroner section of the Tow Service Agreement signed by all on-call tow companies.

The assigned patrol deputy is also responsible for the residence of the deceased person. The deputy shall insure its security by locking all doors and windows.

Coroner's Property Booking Procedure

- 1) Separate property according to like items.
- 2) Label each bag with the following information:
 - a. Case Number,
 - b. Date and Time,
 - c. Decedents Name,
 - d. Deputy Name and Body #.

Firearms and Narcotics

In any case where firearms or illegal narcotics or narcotic paraphernalia are recovered from a decedent, the deputy will take possession of these items. These items will be packaged separately from the coroner's property and booked into a standard evidence locker at the Sheriff's Station following standard property booking procedures. If an outside agency is present, that agency shall book these items. Document this in the report and provide the case number to the outside agency representative.

Cash

Cash shall be packaged and booked with the Coroner's property and sealed in a currency envelope.

C. PROTECTION OF THE RIGHTS OF THE DECEASED

Deputy coroners have the duty to ensure the remains of the deceased are properly cared for at the scene. Whenever possible, the body shall be shielded from public exhibition and not allowed to become the subject of morbid curiosity.

When moving the body, the deputy coroner must ensure that it is treated with respect and dignity. When transported, the body shall be completely covered inside a body bag.

D. DISPOSITION OF BODY

The deputy coroner is responsible for the proper disposition of the body. The deceased shall only be removed from the scene by a deputy coroner, coroner investigator, a qualified mortician or appointed representative.

E. NOTIFICATION OF NEXT OF KIN

The patrol deputy assigned to the case has the responsibility of making personal notification or initiating the necessary action directing others to do so to the next of kin. The only exception is when the deceased is an active member of the military, in which case the deputy will notify the respected branch where the decedent was stationed. The military branch will then make the necessary notification to the next of kin.

The deputy coroner shall follow, in order, the following guidelines regarding who constitutes “next of kin”:

- 1) Legal husband or wife of deceased. This also includes a spouse who is legally separated but not divorced.
- 2) Adult children of the decedent.
- 3) Parent/parents of the decedent, including divorced parents.
- 4) Adult brother or sister of the decedent
- 5) Any adult blood relative

When all efforts to locate next of kin have been exhausted the deputy shall indicate in his or her report that notification has not been made.

The identity of the deceased cannot be released to media until next of kin has been notified.

F. INQUIRY REGARDING AUTOPSY PROCEDURES, RELIGIOUS BELIEFS, ETC.

Any inquiry regarding an autopsy from next of kin shall be directed to the Coroner's Bureau. In any case where an autopsy is contrary to religious beliefs, the deputy shall note this in his or her report and direct the family to contact the Coroner's Bureau.

G. PREPARATION OF CORONER'S REPORT

Classification: The manner of death should be noted as pending investigation by the Coroner's Bureau.

Case Number: Obtain a case number on all coroner investigations and non-coroner reports where a non-coroner report is written. If you complete an email only, a case number is not needed, per the email only SOP.

Date and Time Pronounced Dead: Pronounced time of death is an attended death, pronounced by patrol, medics or a doctor. The time found is the time when the reporting person found the obviously deceased person, i.e. decomposing.

Location of Occurrence (place of death): Specify address, closest intersection or location of where the decedent was pronounced or found dead.

Name: Self-explanatory. First, middle, and last name.

Social Security Number: Self-explanatory, often located on medical cards and in wallets.

Date of Birth: Confirm date of birth by CDL, ID card or other form of identification.

Race, Sex, Height, Weight, Hair, Eyes: Obtain all information from CDL.

Citizenship: Indicate the name of the country of which the decedent is a citizen, if possible.

Place of Birth: Indicate city and state where the decedent was born, if possible.

Occupation: What did they do when they last worked.

Mortuary: Indicate which mortuary transported the decedent and if it was “on-call” or “family request”, and where the decedent was transported to. If there is a family request, always use to avoid charges to the Coroner’s Bureau. Even if the case is a coroner case the family can request a specific mortuary. For example, the decedent died from an obvious suicide and the family requests the Neptune Society. The deputy on scene will contact dispatch to request the Neptune Society to transport the decedent to the Coroner’s Bureau.

Outside agency: Obtain their case number and officer information.

Person Reporting Death: Obtain name, phone number, and address of reporting person.

Person Who Discovered the Deceased: If this is different from the reporting person, obtain all of their personal information as well for the report.

Next of Kin, Witnesses and Medical Personnel: Obtain all information of everyone who has any connection with the investigation and include name, phone number and address.

Medical Summary: Obtain name, address, and phone number of the private physician. If known, contact the physician and include a summary of the decedent’s medical ailments and when he or she was last seen. Look on prescription medication bottles for doctor names. After hours, weekends and holidays, include the contacting information for the doctor in your report.

Nature of illness: Ascertain the type of illness the decedent was being treated for and list the diagnosis as stated by the physician.

Treatments and Medications: Obtain and list all medications and the prescribing doctor(s).

Injury Information: Document in your report obvious injuries you notice, i.e. fractured right wrist, laceration to the lower abdomen, etc.

Place of Injury: Give the address and describe the location where the injury occurred.

For example, decedent slipped, fell and struck his head at his residence, 1234 Street. The injury occurred in the bathroom where the decedent slipped on water after exiting the shower. The decedent's head hit the bathroom sink rendering him unconscious. He was found by his wife who called 911. Medics transported him to the hospital where death was pronounced shortly after arrival.

The death occurred at the hospital, where patrol will be dispatched to, however the injury causing the death occurred at the decedent's residence. Document the address and location where the decedent sustained the injury in your report.

Date and Time of Injury: Self-explanatory

Injury at work: If the injury occurred at work, identify the employer and contact information for your report. Cal OSHA must also be notified. Document in your report the time they were notified.

How did injury occur: Describe how the injury occurred or events leading up to the time of the injury.

Traffic related deaths: Ascertain if the decedent was a driver, passenger (include placement in the vehicle), or pedestrian.

Notification of next of kin: Identify the next of kin and list the time they were notified. See chart on page 5.

REPORTING NON-CORONER DEATHS

April 28,2016 (revised)

If the death is determined NOT to fall within the guidelines of GVC 27491 the responding deputy shall contact the primary doctor to sign the death certificate. Follow the below guidelines with non-coroner deaths:

- 1) An email will be sufficient to the Coroner's Bureau if the following guidelines are met:
 - a. A physician is willing to sign the death certificate.
 - b. Next of kin has been notified
 - c. Family requested mortuary or the on-call mortuary may transport to their facility pending the family's decision on mortuary.
 - d. Deputy has not responded to the scene i.e. (handled via telephone only)

- 2) A Non-Coroner Report and email shall be initiated through ARS if the following guidelines are met:
 - a. A physician is willing to sign the death certificate.
 - b. Next of kin has been notified
 - c. Family requested mortuary or the on-call mortuary may transport to their facility pending the family's decision on mortuary.
 - d. Deputy has responded to the scene

Caution: *In order to determine if the death is a Natural Death, it is necessary for the investigating deputy sheriff to rule out injury, trauma, and criminal actions being involved or related to the death. The deputy sheriff should keep in mind that any illness that is associated with a past accident, overdose or at the hands of another is not a natural death and should be investigated as a coroner's case.*

Caution: *Physicians cannot sign or certify deaths resulting from accidents, suicides, or those causes listed in Government Code Section 27491.*

Caution: *If a physician is willing to sign the death certificate but there is no next of kin, it then becomes a coroner's case.*

CORONER POLICY RELATING TO ORGAN AND TISSUE HARVESTING IN CORONER OR NON-CORONER CASES

April 28, 2016 (revised)

Organ harvesting is determined on a case by case basis, by the Coroner Detective or Coroner Sergeant. Any questions regarding organ transplant shall be directed to the Coroner's Sergeant or Coroner Detective.

CORONER POLICY RELATING TO SUDDEN INFANT DEATH SYNDROME (SIDS)

April 28, 2016 (revised)

Under the provisions of 27491 of the California Government Code, the Coroner is required to investigate deaths resulting from Sudden Infant Death Syndrome (SIDS). The following Policy shall direct the manner in which the cases are handled.

- 1) In every case where SIDS is suspected, the responding deputy shall notify his supervisor, who will then contact CID and Coroner's Bureau. Coroner Detectives shall respond to all suspected SIDS case.
- 2) When SIDS is suspected in the jurisdiction of another agency (e.g. Santa Barbara PD, Lompoc PD) that agency is responsible for their criminal investigation and their detectives should be notified.

Note: SIDS is extremely rare and should initially be handled as a suspicious death

CORONER POLICY RELATING TO MILITARY AND THE CORONER

April 28, 2016 (revised)

Patrol shall treat all deaths that occur on base or involving military personnel as they would with any outside agency. Patrol SHALL write a Coroner's Report on all deaths reported to the Sheriff's Office.

In cases where the decedent is an active military member, the military is considered the next of kin. They will contact the decedent's family.

Laws Governing Coroner's Cases and Responsibilities

Government Code

27491- *It shall be the duty of the coroner to inquire into and determine the circumstances, manner, and cause of all violent, sudden, or unusual deaths; unattended deaths; deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by subdivision (e) of Section 1746 of the Health and Safety Code in the 20 days before death; deaths related to or following known or suspected self-induced or criminal abortion; known or suspected homicide, suicide, or accidental poisoning; deaths known or suspected as resulting in whole or in part from or related to accident or injury either old or recent; deaths due to drowning, fire, hanging, gunshot, stabbing, cutting, exposure, starvation, acute alcoholism, drug addiction, strangulation, aspiration, or where the suspected cause of death is sudden infant death syndrome; death in whole or in part occasioned by criminal means; deaths associated with a known or alleged rape or crime against nature; deaths in prison or while under sentence; deaths known or suspected as due to contagious disease and constituting a public hazard; deaths from occupational diseases or occupational hazards; deaths of patients in state mental hospitals serving the mentally disabled and operated by the State Department of State Hospitals; deaths of patients in state hospitals serving the developmentally disabled and operated by the State Department of Developmental Services; deaths under such circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another; and any deaths reported by physicians or other persons having knowledge of death for inquiry by coroner. Inquiry pursuant to this section does not include those investigative functions usually performed by other law enforcement agencies.*

In any case in which the coroner conducts an inquiry pursuant to this section, the coroner or a deputy shall personally sign the certificate of death. If the death occurred in a state hospital, the coroner shall forward a copy of his or her report to the state agency responsible for the state hospital.

The coroner shall have discretion to determine the extent of inquiry to be made into any death occurring under natural circumstances and falling within the provisions of this section, and if inquiry determines that the physician of record has sufficient knowledge to reasonably state the cause of a death occurring under natural circumstances, the coroner may authorize that physician to sign the certificate of death.

For the purpose of inquiry, the coroner shall have the right to exhume the body of a deceased person when necessary to discharge the responsibilities set forth in this section.

Any funeral director, physician, or other person who has charge of a deceased person's body, when death occurred as a result of any of the causes or circumstances described in this section, shall immediately notify the coroner. Any person who does not notify the coroner as required by this section is guilty of a misdemeanor.

27491.1. *In all cases in which a person has died under circumstances that afford a reasonable ground to suspect that the person's death has been occasioned by the act of another by criminal means, the coroner, upon determining that those reasonable grounds exist, shall immediately notify the law enforcement agency having jurisdiction over the criminal investigation. Notification shall be made by the most direct communication available. The report shall state the name of the deceased person, if known, the location of the remains, and other information received by the coroner relating to the death, including any medical information of the decedent that is directly related to the death. The report shall not include any information contained in the decedent's medical records regarding any other person unless that information is relevant and directly related to the decedent's death.*

27491.2. (a) *The coroner or the coroner's appointed deputy, on being informed of a death and finding it to fall into the classification of deaths requiring his or her inquiry, may immediately proceed to where the body lies, examine the body, make identification, make inquiry into the circumstances, manner, and means of death, and, as circumstances warrant, either order its removal for further investigation or disposition or release the body to the next of kin.*

(b) *For purposes of inquiry, the body of one who is known to be dead from any of the causes or under any of the circumstances described in Section 27491 shall not be disturbed or moved from the position or place of death without permission of the coroner or the coroner's appointed deputy. Any violation of this subdivision is a misdemeanor.*

27491.25 *The coroner, or the coroner's appointed deputy, on being notified of a death occurring while the deceased was driving or riding in a motor vehicle, or as a result of the deceased being struck by a motor vehicle, shall take blood and urine samples from the body of the deceased before it has been prepared for burial and make appropriate related chemical tests to determine the alcoholic contents, if any, of the body. The coroner may perform other chemical tests including, but not limited to, barbituric acid and amphetamine derivative as deemed appropriate.*

The detailed medical findings, resulting from those examinations that are conducted, shall either be reduced to writing or permanently preserved on recording discs or other similar recording media and shall include all positive and negative findings pertinent to the presence or absence of any alcoholic or other substance content.

This section shall not apply to the testing of deceased persons under the age of 15 years, unless the surrounding circumstances indicate the possibility of alcoholic, barbituric acid, and

amphetamine derivative consumption, nor shall it apply when the death has occurred more than 24 hours after the accident.

27491.3. (a) In any death into which the coroner is to inquire, the coroner may take charge of any and all personal effects, valuables, and property of the deceased at the scene of death or related to the inquiry and hold or safeguard them until lawful disposition thereof can be made. The coroner may lock the premises and apply a seal to the door or doors prohibiting entrance to the premises, pending arrival of a legally authorized representative of the deceased.

However, this shall not be done in such a manner as to interfere with the investigation being conducted by other law enforcement agencies.

Any costs arising from the premises being locked or sealed while occupied by property of the deceased may be a proper and legal charge against the estate of the deceased. Unless expressly permitted by law, any person who enters any premises or tampers with or removes any lock or seal in violation of this section is guilty of a misdemeanor.

(b) Any property or evidence related to the investigation or prosecution of any known or suspected criminal death may, with knowledge of the coroner, be delivered to a law enforcement agency or district attorney, receipt for which shall be acknowledged.

(c) Except as otherwise provided in subdivision (d), any person who searches for or removes any papers, moneys, valuable property or weapons constituting the estate of the deceased from the person of the deceased or from the premises, prior to arrival of the coroner or without the permission of the coroner, is guilty of a misdemeanor.

At the scene of any death, when it is immediately apparent or when it has not been previously recognized and the coroner's examination reveals that police investigation or criminal prosecution may ensue, the coroner shall not further disturb the body or any related evidence until the law enforcement agency has had reasonable opportunity to respond to the scene, if their purposes so require and they so request. Custody and control of the body shall remain with the coroner at all times. Reasonable time at the scene shall be allowed by the coroner for criminal investigation by other law enforcement agencies, with the time and location of removal of the remains to a convenient place to be determined at the discretion of the coroner.

(d) A peace officer may search the person or property on or about the person of the deceased, whose death is due to a traffic accident, for a driver's license or identification card to determine if an anatomical donor card is attached. If a peace officer locates such an anatomical donor card which indicates that the deceased is an anatomical donor, the peace officer shall immediately furnish such information to the coroner having jurisdiction.

"Peace officer," as used in this subdivision, means only those persons designated in Sections 830.1 and 830.2 of the Penal Code.

27491.4. (a) For purposes of inquiry the coroner shall, within 24 hours or as soon as feasible thereafter, where the suspected cause

of death is sudden infant death syndrome and, in all other cases, the coroner may, in his or her discretion, take possession of the body, which shall include the authority to exhume the body, order it removed to a convenient place, and make or cause to be made a postmortem examination or autopsy thereon, and make or cause to be made an analysis of the stomach, stomach contents, blood, organs, fluids, or tissues of the body. The detailed medical findings resulting from an inspection of the body or autopsy by an examining physician shall be either reduced to writing or permanently preserved on recording discs or other similar recording media, shall include all positive and negative findings pertinent to establishing the cause of death in accordance with medicolegal practice and this, along with the written opinions and conclusions of the examining physician, shall be included in the coroner's record of the death. The coroner shall have the right to retain only those tissues of the body removed at the time of the autopsy as may, in his or her opinion, be necessary or advisable to the inquiry into the case, or for the verification of his or her findings. No person may be present during the performance of a coroner's autopsy without the express consent of the coroner.

(b) In any case in which the coroner knows, or has reason to believe, that the deceased has made valid provision for the disposition of his or her body or a part or parts thereof for medical or scientific purposes in accordance with Chapter 3.5 (commencing with Section 7150) of Part 1 of Division 7 of the Health and Safety Code, the coroner shall neither perform nor authorize any other person to perform an autopsy on the body unless the coroner has contacted or attempted to contact the physician last in attendance to the deceased. If the physician cannot be contacted, the coroner shall then notify or attempt to notify one of the following of the need for an autopsy to determine the cause of death: (1) the surviving spouse; (2) a surviving child or parent; (3) a surviving brother or sister; (4) any other kin or person who has acquired the right to control the disposition of the remains. Following a period of 24 hours after attempting to contact the physician last in attendance and notifying or attempting to notify one of the responsible parties listed above, the coroner may perform or authorize the performance of an autopsy, as otherwise authorized or required by law.

(c) Nothing in this section shall be deemed to prohibit the discretion of the coroner to conduct autopsies upon any victim of sudden, unexpected, or unexplained death or any death known or suspected of resulting from an accident, suicide, or apparent criminal means, or other death, as described in Section 27491.

27491.41. (a) For purposes of this section, "sudden infant death syndrome" means the sudden death of any infant that is unexpected by the history of the infant and where a thorough postmortem examination fails to demonstrate an adequate cause of death.

(b) The Legislature finds and declares that sudden infant death syndrome (SIDS) is the leading cause of death for children under age one, striking one out of every 500 children. The Legislature finds and declares that sudden infant death syndrome is a serious problem within the State of California, and that public interest is served by research and study of sudden infant death syndrome, and its potential causes and indications.

(c) (1) To facilitate these purposes, the coroner shall, within 24 hours, or as soon thereafter as feasible, perform an autopsy in any case where an infant has died suddenly and unexpectedly.

(2) However, if the attending physician desires to certify that the cause of death is sudden infant death syndrome, an autopsy may be performed at the discretion of the coroner. If the coroner performs an autopsy pursuant to this section, he or she shall also certify the cause of death.

(d) The autopsy shall be conducted pursuant to a standardized protocol developed by the State Department of Health Services. The protocol is exempt from the procedural requirements pertaining to the adoption of administrative rules and regulations pursuant to Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. The protocol shall be developed and approved by July 1, 1990.

(e) The protocol shall be followed by all coroners throughout the state when conducting the autopsies required by this section. The coroner shall state on the certificate of death that sudden infant death syndrome was the cause of death when the coroner's findings are consistent with the definition of sudden infant death syndrome specified in the standardized autopsy protocol. The protocol may include requirements and standards for scene investigations, requirements for specific data, criteria for ascertaining cause of death based on the autopsy, and criteria for any specific tissue sampling, and any other requirements. The protocol may also require that specific tissue samples must be provided to a central tissue repository designated by the State Department of Health Services.

(f) The State Department of Health Services shall establish procedures and protocols for access by researchers to any tissues, or other materials or data authorized by this section. Research may be conducted by any individual with a valid scientific interest and prior approval from the State Committee for the Protection of Human Subjects. The tissue samples, the materials, and all data shall be subject to the confidentiality requirements of Section 103850 of the Health and Safety Code.

(g) The coroner may take tissue samples for research purposes from infants who have died suddenly and unexpectedly without consent of the responsible adult if the tissue removal is not likely to result in any visible disfigurement.

(h) A coroner shall not be liable for damages in a civil action for any act or omission done in compliance with this section.

(i) No consent of any person is required prior to undertaking the autopsy required by this section.

27491.43. (a) (1) Notwithstanding any other provision of law, except as otherwise provided in this section in any case in which the coroner, before beginning an autopsy, dissection, or removal of corneal tissue, pituitary glands, or any other organ, tissue, or fluid, has received a certificate of religious belief, executed by the decedent as provided in subdivision (b), that the procedure would be contrary to his or her religious belief, the coroner shall not perform that procedure on the body of the decedent.

(2) If, before beginning the procedure, the coroner is informed by a relative or a friend of the decedent that the decedent had executed a certificate of religious belief, the coroner shall not

perform the procedure, except as otherwise provided in this section, for 48 hours. If the certificate is produced within 48 hours, the case shall be governed by this section. If the certificate is not produced within that time, the case shall be governed by the other provisions of this article.

(b) Any person, 18 years of age or older, may execute a certificate of religious belief which shall state in clear and unambiguous language that any postmortem anatomical dissection or that specified procedures would violate the religious convictions of the person. The certificate shall be signed and dated by the person in the presence of at least two witnesses. Each witness shall also sign the certificate and shall print on the certificate his or her name and residence address.

(c) Notwithstanding the existence of a certificate, the coroner may at any time perform an autopsy or any other procedure if he or she has a reasonable suspicion that the death was caused by the criminal act of another or by a contagious disease constituting a public health hazard.

(d) (1) If a certificate is produced, and if subdivision (c) does not apply, the coroner may petition the superior court, without fee, for an order authorizing an autopsy or other procedure or for an order setting aside the certificate as invalid. Notice of the proceeding shall be given to the person who produced the certificate. The proceeding shall have preference over all other cases.

(2) The court shall set aside the certificate if it finds that the certificate was not properly executed or that it does not clearly state the decedent's religious objection to the proposed procedure.

(3) The court may order an autopsy or other procedure despite a valid certificate if it finds that the cause of death is not evident, and that the interest of the public in determining the cause of death outweighs its interest in permitting the decedent and like persons fully to exercise their religious convictions.

(4) Any procedure performed pursuant to paragraph (3) shall be the least intrusive procedure consistent with the order of the court.

(5) If the petition is denied, and no stay is granted, the body of the deceased shall immediately be released to the person authorized to control its disposition.

(e) In any case in which the circumstances, manner, or cause of death is not determined because of the provisions of this section, the coroner may state on the certificate of death that an autopsy was not conducted because of the provisions of this section.

(f) A coroner shall not be liable for damages in a civil action for any act or omission taken in compliance with the provisions of this section.

27491.44. Notwithstanding any other provision of law, the coroner is authorized to do all of the following:

(a) Assist the people of this state, as appropriate, in the implementation of the Uniform Anatomical Gift Act contained in Chapter 3.5 (commencing with Section 7150) of Part 1 of Division 7 of the Health and Safety Code, and in the otherwise lawful

utilization of medically proven organ and tissue transplant procedures.

(b) Cooperate in the authorized removal and timely disposition of human organs and tissue from the bodies of deceased persons, including victims of homicide, in accordance with law and accepted medical practice.

(c) Assist medical and health service agencies in identifying donors of human organs and tissues, for purposes of providing life-enhancing benefits of transplant surgery to recipients under duly sanctioned medical conditions.

(d) Ask the deceased person's next of kin, at the time of notification of death, whether the deceased was a donor or if the family was a donor family. If not, the coroner is authorized to inform them of their option to donate viable organs and tissues.

(e) Enter into agreements with one or more procurement organizations to coordinate organ recovery procedures within that coroner's jurisdiction or in cooperation with other coroners throughout the state.

(f) Contract with or receive assistance of any kind from any public or private entity for the purpose of providing education and training to his or her personnel in pathology or any other area of the healing arts and sciences that will assist in timely determination of the causes of death.

27491.45. (a) (1) The coroner shall have the right to retain parts of the body, as defined in subdivision (g) of Section 7150.1 of the Health and Safety Code, removed at the time of autopsy or acquired during a coroner's investigation as may, in the opinion of the coroner, be necessary or advisable for scientific investigation and training. The coroner may employ or use outside laboratories, hospitals, or research institutions in the conduct of the coroner's scientific investigation or training.

(2) Parts of the body retained pursuant to paragraph (1) may be released by the coroner to hospitals, medical educational research institutions, and law enforcement agencies for noncoroner training, educational, and research purposes, either upon consent of the decedent or other person, as specified in Section 7151 of the Health and Safety Code, or after a reasonable effort has been made to locate and inform persons listed in subdivision (a) of Section 7151 of the Health and Safety Code of their option to consent or object to the release, and the appropriate person consents or that effort has been unsuccessful. A reasonable effort shall be deemed to have been made when a search for the persons has been underway for at least 12 hours. The search shall include a check of local police missing persons records, examination of personal effects, and the questioning of any persons visiting the decedent before his or her death or in the hospital, accompanying the decedent's body, or reporting the death, in order to obtain information that might lead to the location of any persons listed in subdivision (a) of Section 7151 of the Health and Safety Code.

(b) The coroner may, in his or her discretion, allow removal of parts of the body by a licensed physician and surgeon or trained transplant technician for transplant, or therapeutic, or scientific purposes pursuant to Chapter 3.5 (commencing with Section 7150) of Part 1 of Division 7 of the Health and Safety Code, only if the following conditions are met:

(1) The provision of the part will not unnecessarily mutilate the body or interfere with the autopsy.

(2) The decedent or other person, as specified in Section 7151 of the Health and Safety Code, has consented to the provision of the part, as prescribed by Section 7154 of the Health and Safety Code, or after a reasonable effort has been made to locate and inform persons listed in subdivision (a) of Section 7151 of the Health and Safety Code of their option to consent or object to the release, and the appropriate person consents, or that effort has been unsuccessful. A reasonable effort shall be deemed to have been made when a search for the persons has been underway for at least 12 hours. The search shall include a check of local police missing persons records, examination of personal effects, and the questioning of any persons visiting the decedent before his or her death or in the hospital, accompanying the decedent's body, or reporting the death, in order to obtain information that might lead to the location of any persons listed in subdivision (a) of Section 7151 of the Health and Safety Code. In obtaining this gift, the coroner shall notify the donor of the specific part or parts requested and shall obtain the donor's informed consent, as provided in Section 7150.5 or 7151 of the Health and Safety Code.

(c) Nothing in this section shall be construed as limiting any right provided for in Section 7152 of the Health and Safety Code.

(d) For purposes of this section, "trained transplant technician" means a person who has completed training in tissue removal for transplant or therapeutic, or scientific purposes, which the coroner determines to be adequate for the purposes.

27491.46. (a) The coroner shall have the right to retain pituitary glands solely for transmission to a university, for use in research or the advancement of medical science, in those cases in which the coroner has performed an autopsy pursuant to this chapter, and during a 48-hour period following such autopsy the body has not been claimed and the coroner has not been informed of any relatives of the decedent.

(b) In the course of any autopsy performed by the coroner, the coroner may remove the pituitary gland from the body for transmittal to any public agency for use in manufacturing a hormone necessary for the physical growth of persons who are, or may become, hypopituitary dwarfs, if the coroner has no knowledge of objection to the removal and release of the pituitary gland having been made by the decedent or any other person specified in Section 7151.5 of the Health and Safety Code. Neither the coroner nor the medical examiner authorizing the removal of the pituitary gland, nor any hospital, medical center, tissue bank, storage facility, or person acting upon the request, order, or direction of the coroner or medical examiner in the removal of the pituitary gland pursuant to this section, shall incur civil liability for the removal of the pituitary gland in an action brought by any person who did not object prior to the removal of the pituitary gland, nor be subject to criminal prosecution for removal of the pituitary gland pursuant to the authority of this section.

Nothing in this subdivision shall supersede the terms of any gift made pursuant to Chapter 3.5 (commencing with Section 7150) of Part 1 of Division 7 of the Health and Safety Code.

27491.47. (a) Notwithstanding any other provision of law, the coroner may, in the course of an autopsy, remove and release or authorize the removal and release of corneal eye tissue from a body within the coroner's custody, if all of the following conditions are met:

(1) The autopsy has otherwise been authorized.

(2) The coroner has no knowledge of objection to the removal and release of corneal tissue having been made by the decedent or any other person specified in Section 7151 of the Health and Safety Code and has obtained any one of the following:

(A) A dated and signed written consent by the donor or any other person specified in Section 7151 of the Health and Safety Code on a form that clearly indicates the general intended use of the tissue and contains the signature of at least one witness.

(B) Proof of the existence of a recorded telephonic consent by the donor or any other person specified in Section 7151 of the Health and Safety Code in the form of an audio recording of the conversation or a transcript of the recorded conversation, which indicates the general intended use of the tissue.

(C) A document recording a verbal telephonic consent by the donor or any other person specified in Section 7151 of the Health and Safety Code, witnessed and signed by no fewer than two members of the requesting entity, hospital, eye bank, or procurement organization, memorializing the consenting person's knowledge of and consent to the general intended use of the gift.

The form of consent obtained under subparagraph (A), (B), or (C) shall be kept on file by the requesting entity and the official agency for a minimum of three years.

(3) The removal of the tissue will not unnecessarily mutilate the body, be accomplished by enucleation, nor interfere with the autopsy.

(4) The tissue will be removed by a coroner, licensed physician and surgeon, or a trained transplant technician.

(5) The tissue will be released to a public or nonprofit facility for transplant, therapeutic, or scientific purposes.

(b) Neither the coroner nor medical examiner authorizing the removal of the corneal tissue, nor any hospital, medical center, tissue bank, storage facility, or person acting upon the request, order, or direction of the coroner or medical examiner in the removal of corneal tissue pursuant to this section, shall incur civil liability for the removal in an action brought by any person who did not object prior to the removal of the corneal tissue, nor be subject to criminal prosecution for the removal of the corneal tissue pursuant to this section.

(c) This section shall not be construed to interfere with the ability of a person to make an anatomical gift pursuant to the Uniform Anatomical Gift Act (Chapter 3.5 (commencing with Section 7150) of Part 1 of Division 7 of the Health and Safety Code).

27491.5. The cause of death appearing on a certificate of death signed by the coroner shall be in conformity with facts ascertained from inquiry, autopsy and other scientific findings. In case of death without medical attendance and without violence, casualty,

criminal or undue means, the coroner may, without holding an inquest or autopsy, make the certificate of death from statements of relatives, persons last in attendance, or persons present at the time of death, after due medical consultation and opinion has been given by one qualified and licensed to practice medicine and so recorded in the records of the death, providing such information affords clear grounds to establish the correct medical cause of death within accepted medical practice and within the requirements for accuracy prescribed by the Division of Vital Statistics of the State Department of Health Services. The coroner shall not finally exclude crime, suicide, or accident as a cause of death because of lack of evidence.

27491.55. In any case where a coroner is required to inquire into death pursuant to Section 27491, the coroner may delegate his or her jurisdiction over the death to an agency of another county or the federal government when all of the following conditions have been met:

(a) The other agency has either requested the delegation of jurisdiction, or has agreed to take jurisdiction at the request of the coroner.

(b) The other agency has the authority to perform the functions being delegated.

(c) When both the coroner and the other agency have a jurisdictional interest or involvement in the death.

27491.6. The coroner may also, in his discretion, if the circumstances warrant, hold an inquest, and he shall hold an inquest if requested to do so by the Attorney General, the district attorney, sheriff, city prosecutor, city attorney, or a chief of police of a city in the county in which such coroner has jurisdiction. Such inquest shall be held with or without a jury, at the coroner's discretion and shall be open to the public.

27491.7. The coroner, his authorized deputy, or a hearing officer shall conduct the inquest.

27491.8. (a) When the coroner seeks a confidential communication of a deceased person that is privileged under Article 6 (commencing with Section 990) or Article 7 (commencing with Section 1010) of Chapter 4 of Division 8 of the Evidence Code, by means of a subpoena or subpoena duces tecum, for the purpose of inquiry into, and determination of, the circumstances, manner, and cause of death as set forth in Section 27491, or for the sole purpose of being introduced as evidence at a coroner's inquest proceeding, the coroner shall provide notice to the decedent's personal representative personally or at his or her last known address, not less than 15 days prior to the date the records are to be delivered to the presiding judge of the superior court. The notice shall inform the personal representative that he or she may provide to the court a written objection to the disclosure or to any part thereof, on or before the date for delivery thereof to the court. The custodian shall deliver the records to the presiding judge of the superior court in a confidential manner. The presiding judge shall examine the records in camera. If there is good cause, the presiding judge shall direct the custodian to disclose to the

coroner those portions of the records which the judge determines are relevant to the coroner's inquiry or inquest.

(b) A communication made available to the coroner pursuant to his section is confidential, except insofar as it is introduced into evidence at a coroner's inquest proceeding, and shall not be distributed or made available to any other person, agency, firm, or corporation.

(c) This communication shall not be admissible as former testimony pursuant to Article 9 (commencing with Section 1290) of Chapter 2 of Division 10 of the Evidence Code.

(d) After the investigation or inquest has terminated, the court shall order the records thereof to be sealed as necessary to protect the confidentiality of the decedent's medical or mental health information.

(e) This section shall become operative on January 1, 2003.

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102850. A physician and surgeon, physician assistant, funeral director, or other person shall immediately notify the coroner when he or she has knowledge of a death that occurred or has charge of a body in which death occurred under any of the following circumstances:

(a) Without medical attendance.

(b) During the continued absence of the attending physician and surgeon.

(c) Where the attending physician and surgeon or the physician assistant is unable to state the cause of death.

(d) Where suicide is suspected.

(e) Following an injury or an accident.

(f) Under circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another.

Any person who does not notify the coroner as required by this section is guilty of a misdemeanor.

