

CHAPTER 7

THE OFFICE OF COUNTY CORONER

The county coroner plays an important role in law enforcement within the county. The Idaho Constitution established the office of county coroner, providing that it be filled by election every four years commencing in the general election in 1986 (Article 18, Section 6). However, because of the constitutional amendment (Article 18, Section 12) allowing optional forms of county government, the coroner may be appointed; have a different term of office or the office may be eliminated as a separate office if voters choose to adopt a different form of county government (Title 31, Chapters 52-56, *Idaho Code*).

OFFICE OF THE CORONER

The salary of the county coroner is set by the commissioners (31-3106), and currently there are no statutory limits on that salary. Coroners may appoint deputies (31-2809).

The most publicized function of the coroner is to investigate deaths of which include violent deaths and of deaths that happen under suspicious circumstances. This also includes stillbirths or any child without an known medical disease to account for the death and deaths without an attending physician or cause of death cannot be certified by a physician (19-4301). The coroner must call upon the sheriff of the county or the police chief of the city (19-4301A) to investigate if a death occurs:

1. As a result of violence, whether apparently homicidal, suicidal or accidental;
2. Under suspicious or unknown circumstances;
3. When the deceased was not attended by a physician during his last illness, and the cause of death cannot be certified by a physician.
4. Death is a stillborn child or any child without a known medical disease to account for the stillbirth or child's death

If the coroner decides that an inquest is to be conducted, six persons who are qualified by law to serve as jurors are summoned (19-4301 and 19-4302). They are sworn in by the coroner and inquire into the cause and circumstances of death. The coroner, the coroner's jury, and the prosecuting attorney may order that witnesses be subpoenaed (19-4303). After hearing the testimony of the witnesses, the coroner's jury must render its verdict as to who was killed and when, where and by what means (19-4305). The coroners' jury must also state in its verdict whether the deceased was killed by criminal means, and who appears guilty (19-4305). If the jury finds that the deceased was killed by another person under circumstances not justifiable by law, or that the death was the result of an act of a person by criminal means, the coroner must issue an arrest warrant, unless the accused is already in custody (19-4308). The testimony of the witnesses examined before the coroner's jury must be reduced to writing by the coroner or transcribed under his or her direction (19-4306). The transcription is filed in the office of the clerk of the district court (19-4306).

After any investigation, the coroner must make and file a written report of the material facts concerning the cause and manner of death in the office of the clerk of the district court. Copies of all records relating to every death for which further investigation might be advisable must be promptly delivered by the coroner to the prosecuting attorney of each county having criminal jurisdiction over the case (19-4301(D)).

In addition, the coroner or prosecuting attorney may order an autopsy performed by a pathologist, (19-4301(B)).

If no next of kin can be found, and the body appears to be unclaimed, the coroner must notify the public administrator within 24 hours of finding the body(19-4301(C)).

When the cause and manner of death is established under (19-4301D) the coroner shall make and file a written report of the material facts concerning the cause and manner of death in the office of the clerk of district court.

A certificate of each death which occurs in the state must be filed with the local registrar of the district (appointed by the state registrar of vital statistics) within five days after the occurrence of death (39-260). The person in charge of interment or removal of the body from the district is responsible for preparing the death certificate (39-260). The person responsible for interment or removal of the body from the district must refer the following cases to the coroner:

1. If no physician was in attendance during the last illness of the deceased;
2. When the circumstances suggest that the death occurred as a result of other than natural causes;
3. When a death is presumed to have occurred within this state but the body cannot be located;
4. In the case of a stillbirth of a fetus of twenty (20) weeks or more.

The coroner must make an immediate investigation to supply the necessary medical data and to certify the cause of death (39-260).

The coroner, working jointly with Idaho State Police, obtains blood samples, or the result of blood testing, from pedestrians, motor vehicle operators, and vessel operators who have died as a result of an accident involving a vehicle or vessel (49-1314; 67-7036).

When no other person takes charge of the body of the deceased, the coroner must see that the body is decently interred (31-2802). If the estate of the deceased is insufficient to pay the expenses of burial, these expenses are a legal charge against the county (31-2802). The coroner must deliver any money or other personal property found on the body to the county treasurer or the legal representative of the deceased (31-2803). If the coroner is a funeral director, embalmer, or person of similar occupation, he or she is prohibited from performing such services in cases which he or she has investigated. If there is only one licensed funeral establishment in the county, however, this provision of the law does not apply (31-2808).

The coroner is required to perform the duties of sheriff when the sheriff declares he is disqualified from acting due to a conflict of interest in a proceeding or matter, or if otherwise incapacitated (31-2806). If the office of sheriff is vacant due to death, absence, or resignation, the senior deputy sheriff shall temporarily fill the vacancy until a sheriff is appointed or elected (31-2806).

If the office of coroner becomes vacant or the coroner is absent from the county, the duties of the office may be discharged by any district judge or someone assigned by the district court (31-2805). A coroner may also appoint the deputies when necessary. The salaries of these deputies are set by the county commissioners (31-2809).

Section 34-622, *Idaho Code* establishes the qualifications for coroner and requires all newly elected or appointed coroners to attend a coroner's school within one year of taking office. Such school shall be sponsored or endorsed by the Idaho State Association of County Coroners. The funding for providing training to coroners is established in Section 39-252(2), *Idaho Code*. Coroners shall also complete twenty-four (24) hours of continuing education on a biennial basis (31-2810).

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