

***Legal Impediment to
Adequate Medicolegal
Death Investigation***

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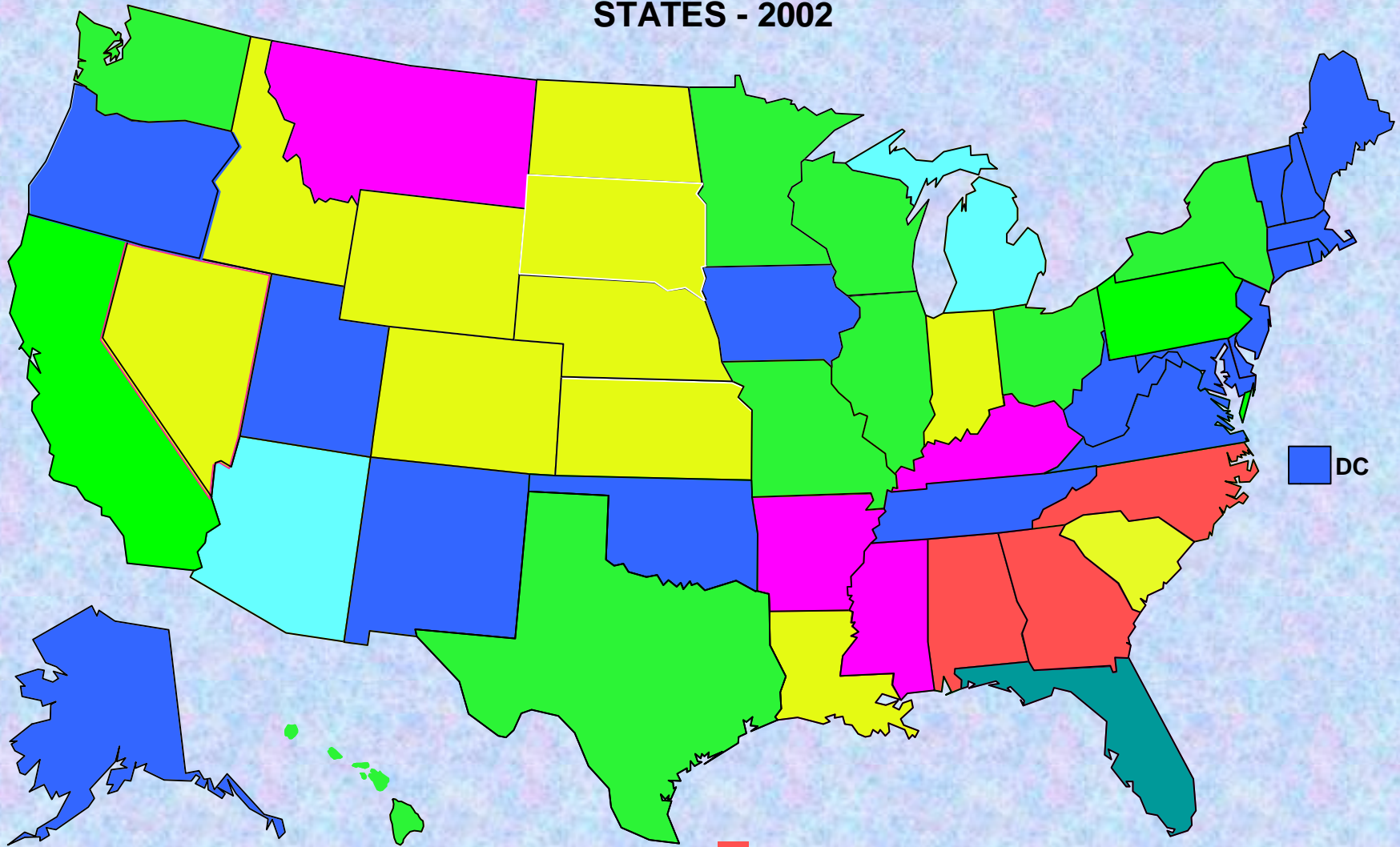
Washington D.C., 6/5/07

LEGAL HERITAGE

**The coroner system is a
medieval institution**

...formally dating from 1194 A.D.

MEDICAL EXAMINER AND CORONER JURISDICTIONS IN THE UNITED STATES - 2002



■ State ME, no coroners
■ District ME, no coroners
■ County ME, no coroners

■ State ME, mixed county ME and Coroners
■ State ME, coroners in every county or district
■ Mixed ME and Coroners
■ Coroners in every county or district

■ DC

CORONER SYSTEM

1. Elected Position

2. County-based

ELECTED POSITIONS

--Disadvantages

- 1. Minimal Qualifications**
- 2. Limited Applicant Pool**
- 3. Non-Optimal Selection**
- 4. No Nation-wide Search**

ELECTED POSITIONS

--Advantages

1. Responsive to the Public

2. Independent

CORONER CHIEFS

- 1. FPs treated as technicians**
- 2. Improper spokesperson**
- 3. Non-professional leadership**

CORONER SYSTEM

1. Inquests

2. Subpoena power

NAS CALLS FOR ABOLITION OF CORONERS

1. 1928

2. 1934

... no response

CORONERS v. MEs

Elected

Appointed

Non-professional

Professional

Non-medical

FPs

Many

Few

Political

Non-political

Entrenched

IMPEDIMENTS TO ABOLITION OF CORONER SYSTEMS

- 1. Resistance of Incumbents**
- 2. Elected Position**
- 3. Constitutional**
- 4. Insufficient Outcry**

JURISDICTION

**Coroner system is
county-based**

**ME system requires an
adequate population
base**

MIXED SYSTEMS: CORONERS & MEd

Coroners as death investigators

- inappropriate hires
- inadequate supervision
- autonomously certify deaths

LAWS SHOULD BE MODERNIZED

Current law is piecemeal &
poorly conceived

Should:

require FP head

adequately fund

require accreditation

SITUS

Public Health

Law Enforcement

University-based

Independent

STRUCTURE

Centralized

Decentralized



Uniform Law Commissioners

The National Conference of Commissioners on Uniform State Laws



The National Conference of Commissioners on Uniform State Laws (NCCUSL), now 115 years old, provides states with non-partisan, well-conceived and well-drafted legislation that brings clarity and stability to critical areas of the law. NCCUSL's work supports the federal system and facilitates the movement of individuals and the business of organizations with rules that are consistent from state to state.



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Model Post-Mortem Examinations Act

Drafted by the

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With
Prefatory Note

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MEDICOLEGAL DEATH
INVESTIGATION WILL
REQUIRE NEW
LEGISLATION AND
POLITICAL WILL**