

WHAT ARE CORONERS SAYING ABOUT THEIR JOBS? AN INVESTIGATION OF CORONERS IN THE UNITED STATES

~ Jennifer M. Allen & Joseph S. Morgan

North Georgia College & State University
706-867-2853

Abstract

Coroners are often a forgotten part of the criminal justice system. This study attempted to rectify this situation by surveying Coroners across the United States about their demographics and working relationships with various criminal justice personnel. The data collected describe Coroners from all walks of life. The respondents report that overall they perceive themselves as having positive working relationships with other criminal justice personnel and consider themselves important members of the death investigation team. Interestingly, the educational requirements, training, and treatment of Coroners by others demonstrate a possible devaluation of position.

Key Words: law enforcement, medicolegal, post-mortem acts, next of kin notifications

Introduction

In recent years, coroners have been linked to public health agencies more than criminal justice agencies. This proposes that coroners are not a part of the criminal justice system; yet, their assistance is vital to criminal justice services. Coroners “operate under the provision of state law to investigate deaths that are sudden, unexpected, and unexplained or that are thought or known to involve external causes such as injury, poisoning, violence or circumstances that warrant special investigation such as deaths in custody of law enforcement personnel or agencies” (Hanzlick, 2006, p. 1274). In a search of databases, little to no research appeared on coroners as a profession or a science in criminal justice. This study attempted to remedy this situation by addressing U.S. coroners in a national study on their demographics and perceptions of working relationships with others in the criminal justice system. The researchers aimed to identify the *typical coroner* in America and how that coroner works with the criminal justice system.

Early History of the Coroner

When asked what the duties of the coroner are the average person would likely reply “They take care of dead bodies.” This statement alone depicts the coroner as nothing more than a livery service for the departed; however, the office of the coroner has been on the North American continent since the first subjects of the Crown set foot on the land. Being familiar with the English Common Law system it was natural that the first settlers would bring the practices of the office of the coroner from England with

them to America. After 400 years the position of the Coroner still survives in 28 U.S. states. Yet, many Americans in contemporary society know little of the coroner's history, powers, responsibilities, or occupational requirements.

Historically, it was suicide that first initiated investigations into human deaths. The Greeks were the first to view death through the lens of early scientific application. Their investigation began a slow evolution towards medicolegal methodologies. In 1184 the Council of Nimes made the condemnation of suicide part of the canon law of the Roman Catholic Church (Spitz & Fisher, 2006, p. 3). This determination also resulted in suicide being illegal under English Common Law which ultimately led to the development of coroners who were expressly interested in deaths by suicide.

According to Sassard and Leary (1999), the 1194 Article of Eyre offered the first definition of the office of coroner which consisted of three knights and a clerk who moved throughout their respective districts hearing cases. These knights represented the interests of the King and are believed to have been known as "Crowners" (Knight, 2004, p. 2). The primary function of early coroners was to examine the remains of an individual in order to rule out foul play in the death. If there was a suspicious death, the coroner was granted the ability to carry out penalties against the perpetrator. Eventually, under the rein of King Richard the Lion Hearted, coroners also collected taxes in the event of a person's death (Knight, 2004; Sassard & Leary, 1999).

With the settlement of America early colonist utilized the same approach to death as they had under English Common Law. Consequently coroners played a key

role in the establishment of new colonies working as both death investigators and, in some cases, as sheriffs (Spitz & Fisher, 2006, p. 7). The earliest record of coroner involvement in a death case in America was a 1635 coroner's inquest (Spitz & Fisher, 2006). As time passed and the level of scientific understanding grew, there was a determination made that the coroner should be a stand-alone office. Additionally, by the time of the American Revolution, Benjamin Rush suggested that death investigations should be explained through science as opposed to superstition (Spitz & Fisher, 2006). This approach brought about significant changes in medicolegal practices in America.

As the United States expanded, new local governments adopted the office of the coroner in conjunction with the development of organized police forces (Spitz & Fisher, 2006, p. 8). Coroners were more pressured than ever to provide adequate scientific methodological explanations for deaths, and in 1860 Maryland coroners began consulting with physicians regarding their cases (Spitz & Fisher, 2006). Even though the coroner had always been in control of death investigations, the concept of a physician medical examiner first appeared in 1877 in the State of Massachusetts. This appointment began a long (and ongoing) debate and evolution in the investigation of deaths in the U.S. (Spitz & Fisher, 2006). The questions still remain about which approach is best – medical examiner or coroner. Additionally, states vary in which approach they use and in what responsibilities, educational requirements, and training they require and provide to those elected as coroners or appointed as medical

examiners. Interestingly, a few states are so undecided that they use a bifurcated system with coroners and medical examiners working in adjoining counties.

There have been a number of studies over the past twenty years examining the office of the coroner with an eye toward reform and restructuring. These studies have dealt with coroners and medical examiners collectively and have addressed the issue from a public health perspective with little or no emphasis on the coroner's involvement in criminal justice. The studies are also typically conducted by practicing medical examiners or those having close ties to the medical examiner interests. As a result, the relationship of the coroner and the criminal justice system has been ignored.

Current Study Methodology

As suggested previously, this study was designed to fill the gap in current research on coroners in relation to the criminal justice system in the U.S. The researchers set out to identify information about the coroner's position by asking about training, education, demographics, and self-perceived involvement at crime scenes involving deaths. Additionally, questions were asked about the working relationships coroners have with physicians, police, and others involved in death investigations.

The research participants were adult males and females over the age of 18 who had been appointed or elected to the position of Coroner or Assistant Coroner in their geographical jurisdiction. The researchers surveyed 168 coroners or assistant coroners,

whose emails were obtained through state coroner associations and other professional membership organization databases.

The original intent was to exclude medical examiners from the online survey. The researchers used coroner associations to identify the respondents in hopes of excluding medical examiners. However, once the respondents answered survey questions it became clear that many medical examiners hold the title “coroner” in their local areas even though they are viewed by the profession as two different offices. After assessing the survey findings, the researchers realized that it was impossible to extract the medical examiner responses from the coroner responses. Thus, the researchers included all respondents, regardless of professional background and training, in the survey findings. For educational purposes, the researchers believe it is important to mention the differences between coroners and medical examiners. Coroners are most often elected and are not required to be physicians or have formal medical training (except in 4 states) and do not typically work for public health departments or agencies. Coroners usually rely on pathologists or other physicians to assist in death investigations and autopsies. Medical examiners are generally physicians and may be appointed administratively through the public health system or by a board or commissioner. They include pathologists. As mentioned before, states vary in which system they use – coroner or medical examiner – with most states using a coroner system. Even though the public hears more about medical examiner systems because these are the systems glorified in shows like *Crime Scene Investigation (CSI)*, medical

examiner systems are found typically in populated metropolitan areas (Hanzlick, 2006, p. 1275).

Findings

In a survey of Coroners in the U.S. 168 respondents answered the questions over Survey Monkey. The largest number of responses (42.3%) came from Coroners in Midwestern states (Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, South Dakota, North Dakota); followed by 20.8% from the Western U.S. ((Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Washington, Oregon, Nevada, California); 17.9% from the Southeast U.S. (Delaware, Maryland, D.C., Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida); 11.9% from the Southern U.S. (Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas); and 7.1% from the Northeast U.S. (Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, Connecticut, New Jersey). This information is pictured in Table 1.

Of the 168 respondents, the majority (63) were ages 51-60, 52 were 41-50 years of age, 41 were over 60 years of age, and 12 were 40 years of age or less. Overwhelmingly, the respondents were male (81.4%) with only 18.6% being female. When asked about education, 28.6% of the respondents indicated that they had some college not resulting in a degree, 22% had an associate's degree, 19.6% had a graduate or doctorate's degree, 17.3% had a four year or bachelor's degree, 7.1% had a high school diploma or GED,

while 5.4% had some graduate school credit hours. Table 2 shows a depiction of this question. How much education a respondent had did not seem germane to the position since 90.5% of respondents indicated that their jurisdiction did not require Coroners to have a college degree and 4.8% of respondents claimed that their jurisdiction did not require a college degree but preferred some college credits. Only 3% indicated “yes, at the graduate (master’s or higher) level”, 1.2% said “yes, at the associate’s level” and less than 1% claimed that their jurisdiction required a bachelor’s degree when asked about educational requirements for the position of Coroner. When asked if the respondents “Belong to any professional forensic/ death investigation organizations”, “Attend annual professional meetings, seminars or conferences”, or “Subscribe to any professional journal dealing specifically with forensic or death investigative practices”, 78.7%, 97% and 51.2%, respectively, responded affirmatively.

When asked to indicate whether the respondent was elected or appointed to the position of Coroner in their jurisdiction, 79.6% indicated they were elected while 20.4% claimed they were appointed. 77.2% stated they were required by state law to attend a recognized state training program after their appointment or election and 22.8% claimed they were not. Interestingly, 32 respondents failed to answer this question. A majority of respondents (80.1%) stated yes when asked if their jurisdiction required them to attend an on-going annual training and 19.3% said no to this question. Less than 1 percent claimed they did not know if they were required to attend an on-going annual training. There was no response from two respondents to this question.

Most respondents (82.3%) claimed to receive a salary compensation followed by 10.8% being compensated on a per case basis, on an hourly basis (3.6%) and no compensation in 2.4% of responses. Of those respondents compensated, the county government handled the compensation according to 97% of the respondents, the city and state governments in less than 1% of the responses, respectively, and in the case of 1.8% of respondents they received no compensation as a Coroner because they were compensated by the county as a prosecutor or in some other position. In both of the above questions, one respondent was missing.

As noted in Table 3, when asked "Approximately how many hours per week do you spend performing job-related duties in your current position", 27.9% of respondents claimed to spend 11-20 hours per week and over 40 hours per week, respectively. 21.2% said less than 10 hours per week, 15.2% said 21-30 hours per week, and 7.9% said 31-40 hours per week. Three respondents did not respond on the approximate number of hours per week they spend performing job-related duties in their current position. 52.4% claimed that their jurisdiction provides them an office space where they can complete their job-related duties, 42.2% stated they are not provided an office space where they can complete their job related duties, and 5.4% said they share an office with another individual such as a building maintenance supervisor, the county attorney, and the deputy coroner. Two respondents claimed to be the county prosecutor and ex-officio coroner so no additional office space was provided. Three respondents failed to answer this question.

38.2% of respondents claimed to use their personal vehicle (getting the mileage reimbursed) as their primary form of travel to death scene investigations. 26.7% had a vehicle provided by their employer that they could take home for professional use, 21.2% used their personal vehicle and did not have the mileage reimbursed, and 13.9% had a vehicle provided by their employer but the vehicle remained at the office until needed for a case. There was no response from three respondents to this question. The majority of respondents (46.1%) claimed to attend most scenes involving a death while 30.9% attended every time there is a scene involving a death, 15.8% attended approximately half of the scenes involving a death, 6.7% rarely attended scenes involving a death and less than 1% never attended scenes involving a death. Three respondents failed to answer this question.

96.4% of respondents said they consider themselves a member of the death scene investigation team, while 1.8% claimed not to consider themselves a member of the death scene investigation team and 1.8% claimed that sometimes they consider themselves a member of the death scene investigation team. The missing data for this question included 3 respondents.

The researchers asked several questions about next of kin notifications and training in next of kin notifications. When asked, "How often do you perform next of kin notifications?", 29.9% claimed, "I perform next of kin notifications with great frequency", 26.8% stated, "I perform next of kin notifications with some frequency", 22% stated, "On rare occasions I perform next of kin notifications", 17.7% claimed, "I

always perform the next of kin notifications for my organization”, and 3.7% chose “I never perform the next of kin notifications for my organization” as their response. Four respondents chose not to answer this question. Table 4 depicts this data. Respondents were also asked how often they perform next of kin notifications in person rather than over the phone. 34.6% claimed that they perform next of kin notifications in person rather than over the phone with great frequency, 29% claimed to always perform next of kin notifications in person rather than over the phone, 20.4% said they rarely perform next of kin notifications in person rather than over the phone, 11.1% said they do with some frequency and 4.9% claimed they never perform next of kin notifications in person rather than over the phone. Six respondents did not answer this question.

The majority of respondents (59.3%) claimed to have received next of kin notification training while 40.7% did not receive next of kin notification training. When asked, “How much training have you received in next of kin notification?”, 33.5% claimed not to have received training in next of kin notification, 24.4% claimed to have received a great deal of training in next of kin notifications, 17.7% stated, “I have received some training in next of kin notification and do not feel that I need more training on this topic”, 15.2% stated, “I have received some training in next of kin notification but I feel that I need more training on this topic”, and 9.1% stated to have received very little next of kin notification training. Four respondents failed to answer this question.

Another series of questions asked respondents about trauma-related counseling. 68.9% of the respondents said their offices did not provide them with trauma-related counseling, 29.3% said their office did provide them with trauma-related counseling, and 1.8% claimed they did not know if their office provided them with trauma-related counseling. When asked, "Have you ever taken advantage of the trauma-related counseling offered by your office?", only 17.1% claimed "yes", while 35.4% claimed "no", 46.3% responded with, "My office does not offer trauma-related counseling to me," and 1.2% stated they had not taken advantage of the trauma-related counseling because they did not know if their office provided the counseling. Four respondents skipped this question. 89% of the respondents claimed "no" when asked, "Have you received counseling for work-related stress while in your current position (include both counseling offered by your office as well as private counseling services)?" and 11% claimed "yes". Five respondents failed to respond to this question. In a qualitative question provided to address why a respondent would seek counseling, 18 people indicated they sought counseling for job stress; anger issues; stress relief; to debrief after critical incidents and cases involving the death of children; depression; sleep disturbances; and, in the case of one respondent, after a murder-suicide case.

In the second portion of the survey, the researchers asked Coroners about their perceived working relationships with law enforcement. In the first question, "How would you categorize your working relationship with the local law enforcement officials in your jurisdiction?", 59.8% claimed to have a friendly working relationship

with local law enforcement officials, 35.4% stated “I have a cooperative working relationship with local law enforcement officials”, 2.4% claimed to have a territorial working relationship with local law enforcement officials, 1.8% stated they did not know how to classify their working relationship with local law enforcement officials, and .6% stated they did not have a working relationship with local law enforcement officials. Four respondents failed to answer this question. This is depicted in Table 5. The next question asked respondents to indicate, “How often do law enforcement investigators rely on your input on death scene investigations?”. 51.2% stated that “Law enforcement investigators always consult with me”, 36% claimed that “Law enforcement investigators regularly rely on my input”, 11% said that law enforcement investigators sometimes rely on their input and 1.8% said law enforcement investigators rarely rely on their input. Four respondents failed to answer this question.

Coroners were also asked if they believed they had more death investigation expertise than their local law enforcement. The majority (66.3%) said yes while 33.7% said no. When asked, “How many years of experience do you have in medicolegal death investigations?”, 31.9% said 9-16 years of experience, 23.9% said 25 or more years of experience, and 22.1% said 0-8 years of experience and 17-24 years of experience, respectively.

The survey also questioned respondents on their role in the prosecution of cases. 57.3% said they interact with the prosecutor’s office with some frequency on cases, 23.8% said they rarely interact with the prosecutor’s office, 16.5% said they constantly

interact with the prosecutor's office, and 2.4% said they never interact with the prosecutor's office on cases. The majority (66.9%) claimed to have given a case-related deposition while 72% said they had never provided case-related testimony to a grand jury, 59.5% said they had testified in a criminal court on case-related information, and 57.2% claimed they had never testified in a civil court on case-related information.

These questions are depicted in Table 6.

Conclusions and Recommendations

The responses in this study indicate that Coroners who responded were from Midwestern states such as Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, South Dakota, and North Dakota and were predominantly males between the ages of 51-60 years of age. The majority had attended some college but did not have a degree of any sort. Education was not important to the position of coroner since most jurisdictions where respondents worked did not require a college degree. While in the position of coroner most respondents belonged to professional forensic/death investigation organizations; attended annual professional meetings, seminars, or conferences; or subscribed to a professional journal dealing with forensic or death investigative practices (the least common of the three).

Respondents were elected to their positions as coroner and were required by their state laws to attend a recognized state training program after their appointment or

election. The majority of respondents were also required by their states to attend an on-going annual training program.

Most respondents received a salary compensation from the county or state government for the position of coroner while some were paid on a case-by-case basis. In the case of four respondents no compensation was paid because they worked in other positions in their jurisdictions (i.e., prosecuting attorney). Forty-six respondents claimed to spend 11 to 20 hours a week on the job while another 46 claimed to work over 40 hours a week. With regard to office space provided by the jurisdiction, over half received an office where they could complete their job-related tasks while almost half of the respondents did not receive an office space for work-related tasks. Travel to and from death scenes was provided in most cases through mileage reimbursement for the respondent's personal vehicle.

Respondents claimed to attend most death scenes but only 31% claimed to attend every time there was a death. Overwhelmingly, the respondents considered themselves to be a member of the death scene investigation team and most performed next of kin notifications with great frequency in person rather than over the phone. Next of kin notifications were seen as stressful by respondents although many claimed to have received training in next of kin notifications. Of note here was that over 40% of respondents said they never received training and an additional 15% said they needed more training in next of kin notification even though they had received some training.

The majority of respondents were not provided trauma-related counseling by their offices. Only 18 respondents had sought out counseling for work-related stress (either offered by their office or through a private counseling service).

Over half of the respondents believed they had a friendly working relationship with their local law enforcement officials and were consulted by law enforcement investigators on death scene investigations. Additionally, the majority of respondents thought they had more death investigation experience than their local law enforcement (with 9-16 years of experience).

Over half of the respondents claimed to interact with the prosecutor's office with some frequency on cases and the majority claimed to have given a case-related deposition. On the one hand, almost 60% said they had testified in criminal court on case-related information while, on the other hand, over half of the respondents said they had never testified in a civil court on case-related information. More than 70% said they had never testified in front a grand jury.

Although the results show respondents that are generally content in their position of coroner, there are three specific concerns to be noted. First, is the lack of education required for the office of coroner. Respondents claimed not to hold college degrees and, for the most part, not to be required by their jurisdictions to have college degrees. As technology advances and the need for more forensically-based explanations of death are expected by the public, the traditional coroner may not be able to continue in this position without a formal education. This highlights the

arguments for increased use of medical examiners and supports those states that have moved away from separate offices of the coroner. Both those holding the office of coroner and those setting the requirements for the office of coroner have to become more aware of the changing public expectations in this regard. It may be necessary that coroners hold bachelor's degrees, at the bare minimum, in future years.

Second is the issue of training. Although respondents claimed to undergo initial training and, in most cases, on-going annual training, there were noted differences in how much training was required and in how little the training actually covered. Respondents even pointed to the fact that next of kin notification training was important to the position, but yet, many did not receive the necessary preparation and/or felt the need for additional preparation. The fact that coroners feel unprepared in handling perhaps one of the most important job tasks they have is alarming. This calls into question the overall preparedness of coroners to handle the work-related tasks and to meet public expectations in performance. At the very least, coroners should be provided enough training to both complete the task and to deal with the effects (such as the need for counseling) that come from the constant alerting of the next of kin of a loss of loved one.

Third, the researchers have serious concerns in having other government officials acting in the role of the coroner. In some responses it was indicated that prosecutors work as coroners in their counties. The role of the prosecutor is to be independent in the investigation of others – not to be inherently involved in the investigation of a crime

scene and a potential suspicious death which may result in the prosecution of the perpetrator. The mixing of the roles questions the ethics of the criminal justice system as a whole and brings to light the need for a separate office for the chief death investigator – whether it be a coroner or a medical examiner. To avoid the image of impropriety local governments are strongly encouraged to create a stand-alone office for the investigation of deaths in their jurisdictions.

Finally, the researchers note the relationship of the coroner with law enforcement and prosecutors. It appeared from the responses that most felt connected and included on the death investigation team. Their expertise also seemed to be used by prosecutors when necessary. In the researchers' opinion, this demonstrates that the office of the coroner may still be a vital and necessary position. The unfortunate reality though is that as states move away from the coroner systems and turn toward medical examiner systems, coroners may be left questioning their futures in the political arena and may be faced with increasing demands for new technologies in the field of forensic practice that they cannot meet. While other public investigative bodies, such as the police and public health agencies, have evolved along the lines of scientific research and applications, coroners appear to have stagnated and are in dire need of change.

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Tables:

Table 1 - Region where Respondent Resides

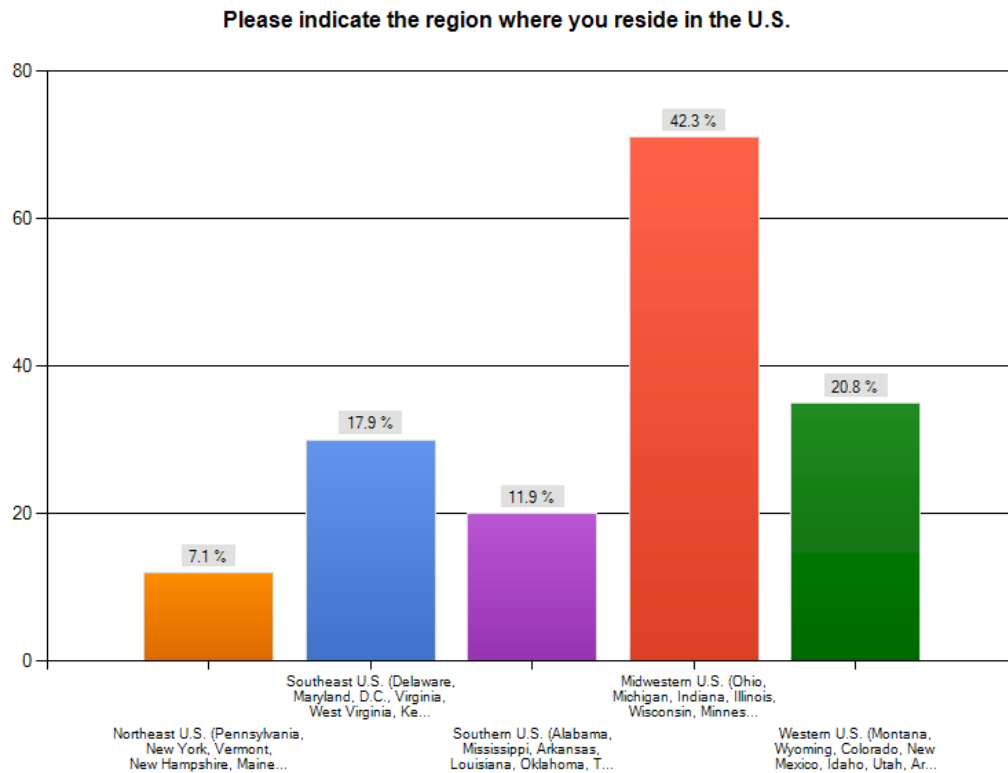


Table 2 - Respondents Highest Level of Completed Education

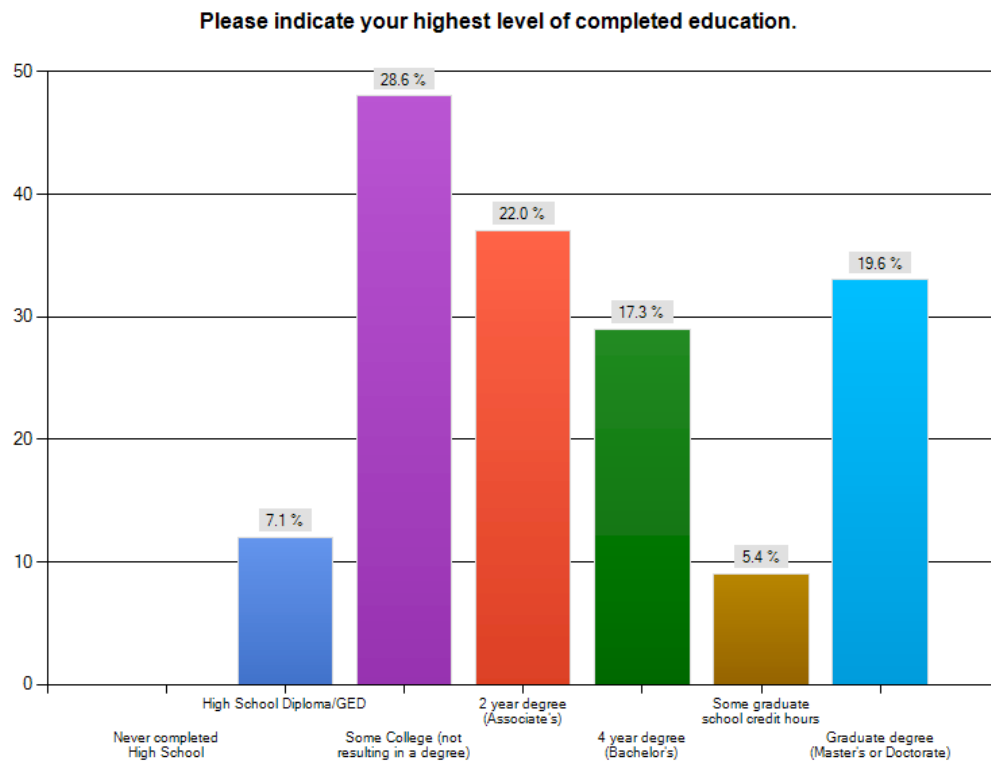
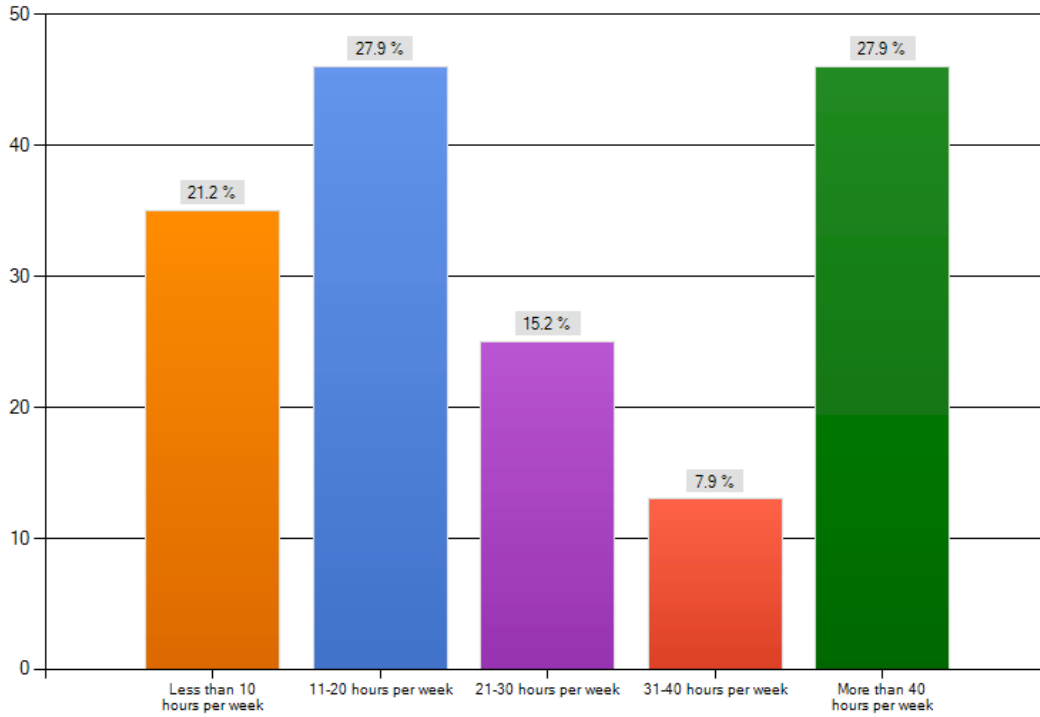


Table 3 - Number of Hours Worked Per Week in Current Position

Approximately how many hours per week do you spend performing job-related duties in your current position?



**Table 4 - How Often Do Respondents Perform Next of Kin Notifications in Person
(Rather Than Over the Phone)?**

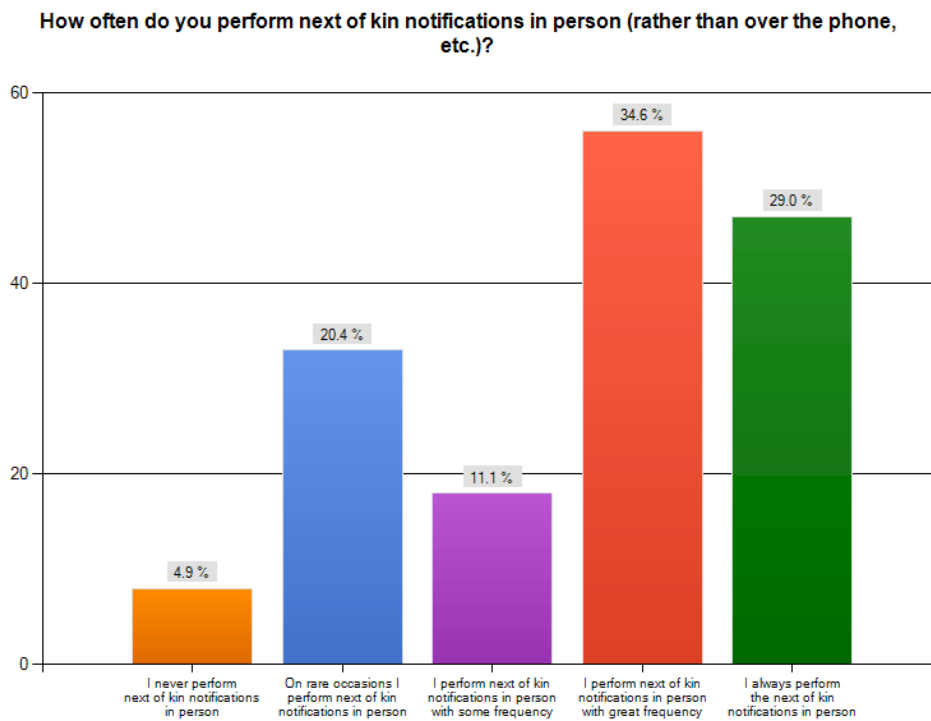


Table 5 - How Would You Categorize Your Working Relationship with Local Law Enforcement Officials?

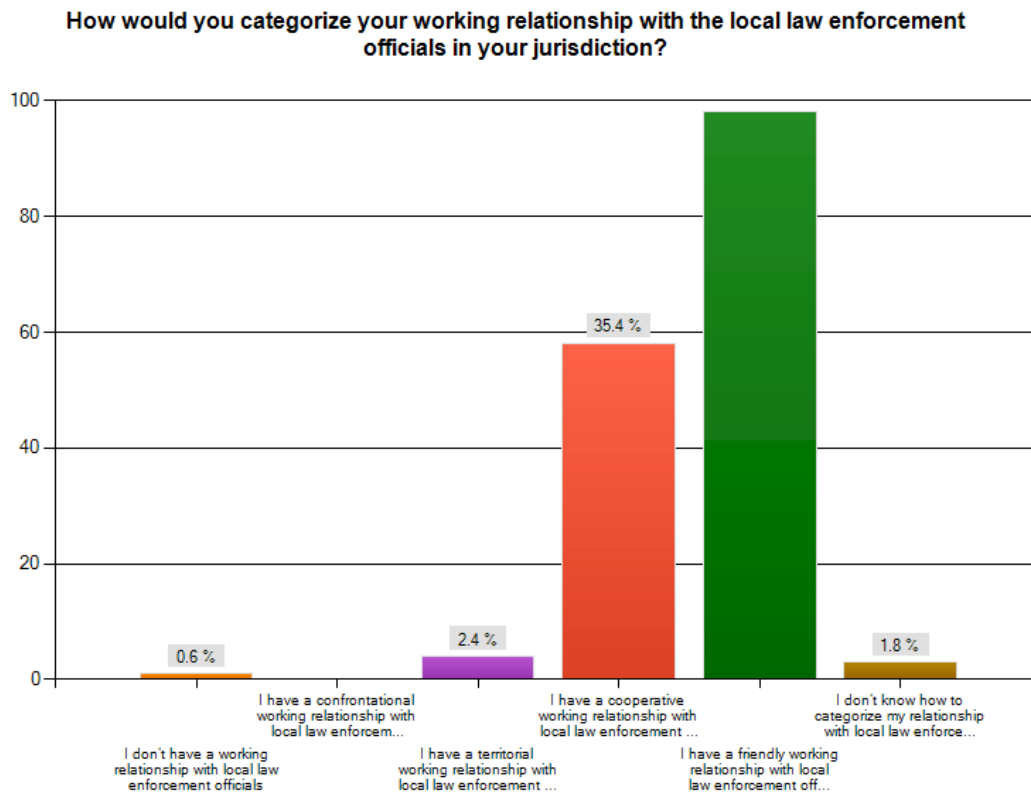


Table 6 - Respondents Involvement in Case-Related Testimony

