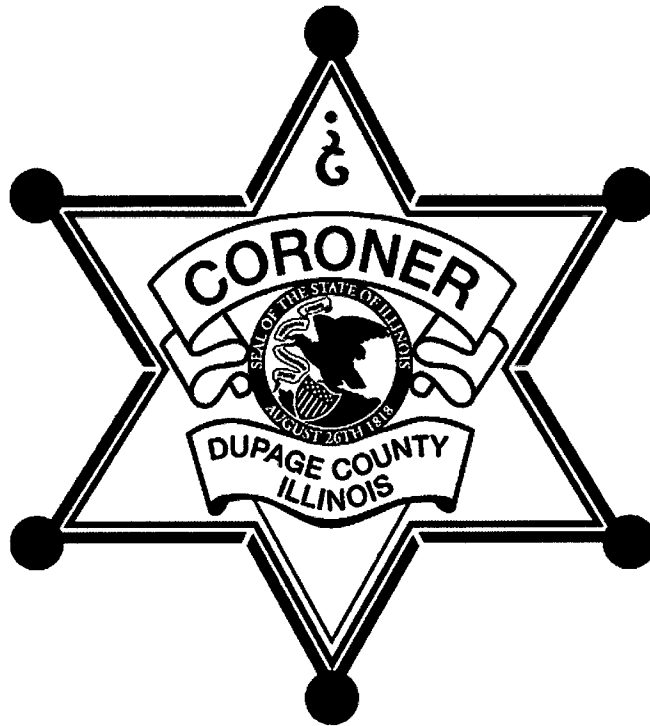


DUPAGE COUNTY, ILLINOIS



DuPage County Coroner

Guide to Relevant Illinois Laws and Statutes

Richard A. Jorgensen, M.D., FACS

Compiled by the DuPage County State's Attorney

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The Coroner in General

Overview

A county coroner is a law enforcement officer with countywide jurisdiction primarily responsible for confirming and certifying the deaths of individuals, investigating the cause of death, and helping to confirm the identity of persons who have died within the county. In the exercise of his or her duties, the coroner possesses the same law enforcement powers as the sheriff. Whenever a statute uses the term "coroner," the term means the elected or appointed coroner as well as any deputy or other person performing the duties of the coroner, generally or in special cases.¹

Sources of Authority

The Illinois Constitution – Article VII, Section 4

The constitution of the State of Illinois provides that each county may elect or appoint a coroner in the manner provided by law or by county ordinance. While the coroner's specific duties are set forth in state law and county ordinance, as is the case with other county officers, the coroner is also vested with the duties, powers or functions derived from common law or historical precedent unless altered by law or county ordinance.² The coroner's office may be eliminated by an act of the Illinois General Assembly or by countywide referendum. The way in which a county selects its coroner and the coroner's term of office may also be changed in this manner.

Illinois Law

The Counties Code – 55 ILCS 5/3-3001 et. seq.

Division 3-3 of the Counties Code sets forth the basic powers and duties of county coroners. It describes generally the manner of the coroner's election and assumption of office, general duties, and office organization. As is the case with other county officers, a county board may assign additional duties to its coroner, but it cannot interfere with the coroner's statutory duties nor interfere with the internal operations of his or her office.

Other Statutes

Additional laws impacting county coroners are found throughout the Illinois Compiled Statutes. These laws include, but are not limited to:

- The Illinois Anatomical Gift Act
- The Autopsy Act
- The Code of Civil Procedure
- The Code of Criminal Procedure
- The Property Tax Code

¹ 5 ILCS 70/1.08

² ILL. CONST. art. VII, §4(c), (d)

County Ordinance

County boards are empowered by the state constitution as well as by statute to provide for the duties of the coroner. However, no county board may alter the duties, powers and functions of county officers that Illinois law imposes specifically. A county board may alter any *other* duties, powers or functions or impose additional duties, powers and functions upon county officers, but in the event of a conflict, State law prevails over county ordinance.³

Common Law and Historical Precedent

Sheriffs and coroners can trace the history of their respective offices back hundreds of years to post-Norman conquest England. Many of the coroner's statutory duties unrelated to death investigations derive from the historic role of coroners as local agents of the English monarch and their court. Because the Illinois constitution specifically vests county officers, including the coroner, with the duties, powers or functions they inherited from common law or historical precedent, Illinois' statutory law does not fully enumerate every power or function a coroner may possess. Nevertheless, the state legislature and a county board may alter these powers by law or ordinance, respectively.

The Coroner's Office

About the Office

Overview

As is the case with other county officers, a coroner's term commences on the first day of December immediately following his election.⁴ Unless a county has by referendum changed the manner of selection, coroners are elected for four-year terms in the general elections that coincide with the election of the President of the United States, state's attorneys, circuit clerks, and county auditors and recorders of deeds.⁵

The governor officially commissions the coroner once the coroner has taken his oath of office and posted bond.⁶ The coroner's bond must be \$5,000, paid by the county, with 2 or more sufficient sureties, unless the county provides bond through its self-insurance program. This penal sum is payable to the People of the State of Illinois, and is intended to insure that both the coroner and any deputies will faithfully discharge all duties that are, or will be required of him.⁷

The Oath of Office

The oath of office required of coroners is found in Article XIII, Section 3 of the Illinois Constitution and is as the same as the oath required of other state office holders:

³ ILL. CONST. art. VII, §4 (d); 55 ILCS 5/5-1087

⁴ 55 ILCS 5/3-3002

⁵ 10 ILCS 5/2A-18

⁶ 55 ILCS 5/3-3001(a)

⁷ 55 ILCS 5/3-3004

"I do solemnly swear [affirm] that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of Coroner to the best of my ability [so help me God]."

After a signing a written copy of his oath, the coroner must file oath with the county clerk.⁸

Training

Illinois law requires that a newly elected (or appointed) coroner (or his chief deputy coroner) must *complete* the Coroner's Training Program approved by the Illinois Law Enforcement Training Standards Board within six (6) months of assuming office however, he must *apply* to the program within thirty (30) days of assuming office. Additionally, the law requires coroners to complete twenty-four (24) hours of continuing education each calendar year.⁹

Additionally, the Illinois Law Enforcement Training and Standards Board provides a training program in death and homicide investigation for coroners. Only coroners who successfully complete the training program may act as lead investigators in coroner's investigations, but failure of a coroner to complete the program does not affect or impede the power of his office to investigate all deaths as provided by law.¹⁰

The coroner may maintain a special fund, from which the county board shall authorize payments by voucher between board meetings, to pay necessary travel dues and other expenses incurred in attending workshops, educational seminars and organizational meetings for the purpose of providing in-service training.¹¹

Compensation and Benefits

Each county board sets the compensation of its coroner subject to the limitations of the Counties Code and the Local Government Officer Compensation Act. The county board must set a coroner's compensation at least 180 days prior to the coroner's election.¹² The Illinois Pension Code classifies coroners as "elected county officers" for the purposes of participation in the Illinois Municipal Retirement Fund's alternative annuity for county officers, however in August 2011, participation in this alternative annuity closed to new participants.¹³

Offices and Equipment

County Boards are specifically required to provide reasonable and necessary expenses for the use of the coroner. However, as is not the case for other county officers, there is no express statutory requirement

⁸ 55 ILCS 5/3-3005

⁹ 55 ILCS 5/3-3001

¹⁰ 50 ILCS 705/10.11

¹¹ 55 ILCS 5/3-3012

¹² 55 ILCS 5/4-6001, 4-6002; 55 ILCS 5/5-1010, 50 ILCS 145/2

¹³ 40 ILCS 5/7-145.1

for the county board to provide proper rooms and offices for the coroner's accommodation or furniture.

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General Administrative Duties of the Coroner

Control of Internal Operation of the Office

Illinois law authorizes the coroner to control the internal operations of his office.¹⁵ This is a significant restriction on the county board to require the coroner to adopt policies or practices which it may make made applicable to its own employees and departments.

Purchase of Equipment and Materials

Subject to the applicable county appropriation ordinance, the coroner shall procure necessary equipment, materials, supplies and services to perform the duties of the office.¹⁶ The coroner must make purchases of equipment in accordance with any ordinance requirements for centralized purchasing through another county office or through the State which are applicable to all county offices.¹⁷

Appointment of Deputy Coroners

Each coroner may appoint one or more deputies as he, in his sole discretion, determines necessary and appropriate, subject to county board appropriations.¹⁸ The appointment shall be in writing and signed by the coroner. Deputy coroners, once duly appointed and qualified, may perform all of the duties of the coroner in the name of the coroner. The law provides that the acts of such deputies are acts of the coroner.¹⁹ Each deputy shall, before entering upon the duties of his office take and subscribe an oath or affirmation, in like form as required of coroners, which shall be filed in the office of the county clerk.²⁰

Compensation of Deputies and Other Employees

The coroner is generally empowered to fix the compensation of his deputies and employees, subject to budgetary limitations established by the county board. However, the section of the Counties Code which speaks to the appointment of deputy coroners, 55 ILCS 5/3-3040, provides that a deputy's compensation shall be determined by the county board. In DuPage County, the county board has provided for salary ranges within which the coroner may compensate his deputies. In Cook County, the county board has the authority to create a position-classification agency and to delegate to such agency the power to establish and maintain a position-classification and compensation plan for all county employees.²¹

Law Enforcement Duties of the Coroner

¹⁴ 55 ILCS 5/5-1106

¹⁵ 55 ILCS 5/3-3003

¹⁶ 55 ILCS 5/3-3003

¹⁷ 55 ILCS 5/3-3003

¹⁸ 55 ILCS 5/3-3040

¹⁹ 55 ILCS 5/3-3042

²⁰ 55 ILCS 5/3-3041

²¹ 55 ILCS 5/3-14002

Coroner as Peace Officer

Each coroner shall be a conservator of the peace in his county, and, in the performance of his duties as such, shall have the same powers as the sheriff.²² Conservators of the peace have the authority to arrest offenders, and in the context of having the same powers of the sheriff as a conservator, the coroner is empowered to prevent crime and maintain the safety and order of the citizens of that county, and bring them before the proper court for trial or examination.²³

In fact, every coroner has the duty when a criminal offense or breach of the peace is committed or attempted in his or her presence, to "forthwith to apprehend the offender and bring him or her before a judge, to be dealt with according to law; to suppress all riots and unlawful assemblies, and to keep the peace, and without delay to serve and execute all warrants and other process to him or her lawfully directed."²⁴ The Criminal Code also requires that coroners engage in "fresh pursuit" of every person guilty of a felony that comes to the knowledge of the coroner.²⁵

As a law enforcement officer, a coroner may operate a motor vehicle with red or white oscillating, rotating, or flashing lights when local authorities, in writing, designate or authorize the vehicle as a law enforcement vehicle and the coroner carries a copy of the designation or authorization in the vehicle.²⁶

Coroner as Acting Sheriff

In the event that the office of sheriff is vacant, and there is no designated undersheriff or chief deputy sheriff, the coroner shall perform all the duties required by law to be performed by the sheriff, and have the same powers, and be liable to the same penalties and proceedings as if he were sheriff, until another sheriff is elected or appointed and qualified.²⁷ Similarly, when the sheriff or a close relative of the sheriff is a party to litigation or is prejudiced to against another party in litigation, the court may direct the coroner to serve summons, execution or other process in like manner as if he were sheriff.²⁸

Acting Warden

Should the sheriff be arrested and in the custody of his county's jail, the coroner becomes the jail's warden until the sheriff is released.²⁹

Youthful Intoxicated Drivers' Visitation Program Site

As part of a Youthful Intoxicated Drivers' Visitation Program, and with the approval of the coroner, the county coroner's office or the county morgue may serve as a facility for offenders to observe appropriate victims of motor vehicle accidents involving persons under the influence of alcohol, under

²² 55 ILCS 5/3-3007

²³ 55 ILCS 5/3-6021

²⁴ 725 ILCS 5/107-16

²⁵

²⁶ 625 ILCS 5/12-215

²⁷ 55 ILCS 5/3-3010

²⁸ 55 ILCS 5/3-3008

²⁹ 730 ILCS 125/8

the supervision of the coroner or deputy coroner as part of their supervision, conditional discharge, or probation.³⁰

The Coroner as an Officer of the Court

Service of Court Process

Several statutes provide that the coroner may serve subpoenas, summons, or other court orders in relation to pending judicial matters.³¹ In these instances, the language typically provides that the process be directed to the "sheriff or coroner," although there are instances where the coroner is authorized only when the sheriff is conflicted. However, the Attorney General has opined, that, in at least some instances, the coroner may only serve process when the sheriff is conflicted as described in 55 ILCS 5/3-3008.³²

Practice of Law Prohibited

Because of the various duties imposed upon the coroner that require him to act as an impartial agent of the court, a coroner may not practice law in the county which he serves.³³

Investigations and Reports Required of the Coroner

Preliminary Investigations – Questionable Deaths

Whenever the coroner becomes aware that a dead body is lying within his county and the cause of death is "questionable" the law requires the coroner to go to the location of the dead body, take charge of the body, and begin a preliminary investigation into the circumstances of the death. Questionable deaths fall into the following categories:

- (a) A sudden or violent death, whether apparently suicidal, homicidal or accidental, including but not limited to deaths apparently caused or contributed to by thermal, traumatic, chemical, electrical or radiational injury, or a complication of any of them, or by drowning or suffocation, or as a result of domestic violence as defined in the Illinois Domestic Violence Act of 1986;
- (b) A maternal or fetal death due to abortion, or any death due to a sex crime or a crime against nature;
- (c) A death where the circumstances are suspicious, obscure, mysterious or otherwise unexplained or where, in the written opinion of the attending physician, the cause of death is not determined;
- (d) A death where addiction to alcohol or to any drug may have been a contributory cause; or
- (e) A death where a licensed physician was not attending to the decedent.

³⁰ 625 ILCS 5/11-501.7

³¹ See e.g. 35 ILCS 200/22-15, 705 ILCS 405/5-525, 725 ILCS 5/115-17, 735 ILCS 5/10-110, 735 ILCS 5/11-106, 735 ILCS 5/12-201

³² Ill. Att'y Gen. Op. No. S-865 (Feb. 4, 1975)

³³ 705 ILCS 205/10

In the case of death as set forth in (e), the decedent's body may be moved with the coroner's consent from the place of death to a mortuary in the same county. A coroner in his discretion may notify physician authorized to perform an autopsy in his county to attempt to ascertain the cause of death, either by autopsy or otherwise.

Deaths in State Institutions and of Wards of the State

Additionally, all deaths in State institutions and all deaths of wards of the State in private care facilities or in programs funded by the Department of Human Services under its powers relating to mental health and developmental disabilities or alcoholism and substance abuse or funded by the Department of Children and Family Services shall be reported to the coroner of the county in which the facility is located.

If the coroner has reason to believe that an investigation is needed to determine whether the death was caused by maltreatment or negligent care of the ward of the State, the coroner may conduct a preliminary investigation of the circumstances of such death as in cases of questionable deaths.

DuPage County Questionable Death Protocol

DuPage County has adopted a Homicide and Questionable Death Protocol in accordance with 55 ILCS 5/5-1085.5 which sets forth additional duties and responsibilities for the coroner in these situations.

When Chemical Analysis Is Required

All Questionable Deaths

In all cases of questionable deaths as described above, the coroner shall require that the decedent's blood, and whenever possible, urine samples shall be analyzed for the presence of alcohol and other drugs. As noted below, the law requires specialized analysis in certain instances.³⁴

Boating Deaths

Within 6 hours after a death resulting from a boating accident, but in any case not more than 12 hours after the occurrence of the boating accident, the coroner must withdraw a blood specimen of at least 10 cc shall be withdrawn from the body of the decedent. The coroner shall forward the blood so drawn to a laboratory approved by the State Police for analysis of the alcoholic content of the blood specimen. The coroner causing the blood to be withdrawn shall, upon notice of the results of each analysis made, forward the results of each analysis to the Department of Transportation.³⁵

Suspected Drug Use

When the coroner suspects that drugs may have been involved in the death, either directly or indirectly, a toxicological examination shall be performed which may include analyses of blood, urine, bile, gastric contents and other tissues.³⁶

³⁴ 55 ILCS 5/3-3013

³⁵ 625 ILCS 45/6-1

³⁶ 55 ILCS 5/3-3013

Motor Vehicle Deaths

In cases of accidental death involving a motor vehicle in which the decedent was (1) the operator or a suspected operator of a motor vehicle, or (2) a pedestrian 16 years of age or older, the coroner shall require that a blood specimen of at least 30 cc., and if medically possible a urine specimen of at least 30 cc. or as much as possible up to 30 cc., be withdrawn from the body of the decedent in a timely fashion after the accident causing his death, by a physician authorized to perform an autopsy, or by the coroner or deputy coroner or a qualified person designated by such physician, coroner, or deputy coroner.³⁷

If the county does not maintain laboratory facilities for making such analysis, the coroner shall send the blood and urine so drawn to the Department of State Police or any other accredited or State-certified laboratory for analysis of the alcohol, carbon monoxide, and dangerous or narcotic drug content of such blood and urine specimens. Each specimen submitted shall be accompanied by pertinent information concerning the decedent upon a form prescribed by such laboratory. Any person drawing blood and urine and any person making any examination of the blood and urine is immune from all liability, civil or criminal, that might otherwise be incurred or imposed.

Toxic Substance Ingestion

When the coroner suspects a death is due to toxic substances, other than drugs, the coroner shall consult with the toxicologist prior to collection of samples. Information submitted to the toxicologist shall include information as to height, weight, age, sex and race of the decedent as well as medical history, medications used by and the manner of death of decedent.³⁸

Other Special Cases

Homicide

When the coroner that the cause of death is due to homicidal means, in addition to any other findings, specimens or information the law may require the coroner to provide, he shall cause blood and buccal specimens (tissue may be submitted if no uncontaminated blood or buccal specimen can be obtained), whenever possible, to be withdrawn from the body of the decedent in a timely fashion. Within 45 days after the collection of the specimens, the coroner shall deliver those specimens, dried, to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings to be maintained by the Illinois Department of State.³⁹

Death of a Child

Whenever the coroner has reason to believe that a child has died as the result of abuse or neglect, he must investigate and within 72 hours of the completion of an autopsy provide an oral report to the local law enforcement authorities, to the Department of Children and Family Services (DCFS) and the state's attorney's office or his findings. If the original report of abuse or neglect came from a hospital the coroner must provide a report to that hospital as well.⁴⁰ He must further provide a written report of his

³⁷ 55 ILCS 5/3-3013

³⁸ 55 ILCS 5/3-3013

³⁹ 55 ILCS 5/3-3013

⁴⁰ 325 ILCS 5/4.1

findings to the same entities within 21 days. The coroner himself is a mandated reporter of suspected child abuse or neglect and must report any suspected or neglect to DCFS.⁴¹ Additionally the coroner must grant a Child Death Review Team (CDRT) investigating a child's death access to any relevant coroner's investigation records.⁴²

Child Death Review Teams

The Director of DCFS appoints a CDRT in each of the Department's subregions. The team must consist of one representative of at least 11 categories, one of which includes coroners or forensic pathologists.⁴³ Thus, though the Director may appoint a coroner to one of the Department's CDRTs, he or she may satisfy the requirements of state law by appointing a forensic pathologist instead. CDRTs are not required to investigate every child death, however they must review deaths when the deceased child is a ward of the department, the subject of an open DCFS case, the subject of a pending child abuse or neglect investigation, a previously abused child, or any other child whose death is reported to have been due to abuse or neglect.⁴⁴ CDRTs are required to review child deaths as soon as possible and within 90 days following a DCFS investigation under the Abused and Neglected Child Reporting Act or after receiving necessary information from the coroner depending on the nature of the case.

When Reports to External Agencies Are Required

Abuse and Neglect of a Long Term Care Facility Resident

If a coroner has reasonable cause to believe any resident of a long care facility with whom they have direct contact has been subjected to abuse or neglect he or she is required to immediately report or cause his suspicions to be reported to the Illinois Department of Public Health.⁴⁵

Child Abuse or Neglect

As noted above, the coroner is a mandated reporter of suspected child abuse or neglect and must report any suspected or neglect to DCFS.⁴⁶

Domestic Violence

In every case where the coroner determines that domestic violence is a contributing factor in a death, the coroner shall report the death to the State Police.⁴⁷

Fires

In every case in which a fire is determined to be a contributing factor in a death, the coroner shall report the death to the Office of the State Fire Marshal. The coroner shall provide a copy of the death

⁴¹ 325 ILCS 5/4

⁴² 20 ILCS 515/25(b).

⁴³ 20 ILCS 515/15

⁴⁴ 20 ILCS 515/20

⁴⁵ 210 ILCS 30/4

⁴⁶ 325 ILCS 5/4

⁴⁷ 55 ILCS 5/3-3013

certificate (i) within 30 days after filing the permanent death certificate and (ii) in a manner that is agreed upon by the coroner and the State Fire Marshal.⁴⁸

Traffic or Boating Fatalities

All coroners shall on or before the 10th day of each month report in writing to the Administrator the death of any person within their respective jurisdiction, during the preceding calendar month, as the result of a traffic or boating accident giving the time and place of the accident and the circumstances relating thereto.⁴⁹ The Department of Transportation may solicit supplementary reports coroners during special investigations of motor vehicle accidents.

Unidentified Human Remains

Law enforcement officials shall inform the coroner whenever they conduct a death scene investigation involving unidentified human remains. When the coroner has custody of human remains that he cannot identify within 24 hours of discovery, or custody of remains that cannot be determined to be human or not, the coroner shall notify the Department of State Police.

The coroner must make a reasonable attempt to identify human remains promptly that he has charge of. No coroner shall dispose of or engage in actions that would materially affect the unidentified human remains without first obtaining samples suitable for DNA identification, photographing the unidentified person or human remains, and exhausting all other appropriate steps for identification. If the human remains have not been identified within 30 days, the coroner shall make reasonable efforts to obtain prompt DNA analysis of biological samples.

The coroner shall obtain a DNA sample from any individual whose remains are not identifiable and forward this sample to the Department of State Police for inclusion in the State and National DNA Databases. Prior to burying or interring an unknown individual's remains the coroner must assign that individual a DNA log number, place a tag stamped with that number on that individual, and if possible tag that number on the unidentified individual's toe tag.⁵⁰

Coroner Inquests

Inquests in General

Though once an important part of the determination of the cause of death, in most instances, Illinois law no longer requires a coroner to conduct inquests.⁵¹ However, a coroner may, in his discretion, conduct an inquest in cases of apparent suicide, homicide, or accidental death or in other cases.

⁴⁸ 55 ILCS 5/3-3013

⁴⁹ 625 ILCS 5/11-413, 625 ILCS 45/6-1

⁵⁰ 50 ILCS 722/25

⁵¹ 55 ILCS 5/3-3013

The Coal Mining Act requires a coroner to conduct an inquest upon notice by a mine operator whenever anyone is killed in a mine. During an inquest into a death that occurred in a mine, the State Mine Inspector may question and cross-examine any witness testifying at the inquest.⁵²

Additionally, the Mental Health and Developmental Disabilities Code requires that the coroner conduct an inquest in the event of a sudden or mysterious death of any recipient of services at any public or private mental health or developmental disabilities facility.⁵³

Notice of Inquest to Decedent's Family

The coroner shall make a reasonable attempt to notify the family, specifically the parents, children, and siblings of the deceased, and all known eyewitnesses to the death, of the date an inquest is to be held. The coroner shall provide such notice shall be given at least 7 days before the date of the inquest and afford the family members or eyewitnesses, if they request, the opportunity to testify at the inquest.⁵⁴

No Embalming Permitted Without Coroner's Permission

No licensed embalmer or person shall embalm the dead body of any person with, inject therein, or place thereon any fluid or preparation of any kind before obtaining permission from the coroner where such body is the subject of a coroner's inquest. Any person who violates this prohibition commits a business offense and shall be fined not exceeding \$5,000.⁵⁵

Empanelment of Coroner's Jury

In cases of apparent suicide, homicide, or accidental death or in other cases, the coroner may in his discretion conduct an inquest.⁵⁶ In counties with jury commissions, including DuPage County, the jury commission shall provide at least 8 jurors to the coroner, from whom the coroner shall select any 6 to serve as the jury for the inquest. Inquests may be continued as the coroner may deem necessary. The 6 jurors originally chosen in a given case may view the body of the deceased. If at any continuation of an inquest one or more of the 6 jurors originally chosen shall be unable to continue to serve, the coroner shall fill the vacancy or vacancies. At the coroner's discretion, the jury commission shall supply additional jurors to fill such vacancies. The county board shall set the fees of each juror attending an inquest at the same amount it pays to grand and petit jurors, but not in excess of \$10 per inquest or \$40 per day payable, from the county treasury.⁵⁷ If a sufficient number of jurors so summoned do not attend, the coroner may summon others from among the bystanders to make up the jury.⁵⁸

⁵² 225 ILCS 705/10.03

⁵³ 405 ILCS 5/5-100

⁵⁴ 55 ILCS 5/3-3027

⁵⁵ 55 ILCS 5/3-3037

⁵⁶ 55 ILCS 5/3-3013

⁵⁷ 55 ILCS 5/4-11002, 55 ILCS 5/3-3013.

⁵⁸ 55 ILCS 5/3-3022

Additionally, a coroner's juror who fails or refuses without good cause to act as a juror or misbehaves in that capacity, shall be guilty of a petty offense and be fined not less than \$3 nor more than \$20.⁵⁹

Organization of Jury; Oath

When the jury is assembled, the coroner shall appoint one of the number as foreman, and administer to him an oath or affirmation, in the following form, to-wit:

You, as foreman to this inquest, do solemnly swear (or affirm, as the case may require), that you will diligently inquire, and true presentment make, how, and in what manner, and by whom or what, the body which lies dead, came to its death; and that you will deliver to me, the coroner of this county, a true inquest thereof, according to such evidence as shall be given you, and according to the best of your knowledge and belief; so help you God.⁶⁰

The coroner shall then administer the following oath to the other jurors:

The same oath which your foreman has just now taken on his part, you and each of you do solemnly swear (or affirm, as the case may require), to keep on your respective parts; so help you God.⁶¹

Testimony of Witnesses

The coroner may summon and compel the attendance of all witnesses whose testimony may probably be requisite to proving the object of an inquest. The coroner may also, upon a showing of good cause, request the circuit judge of the coroner's county to issue a subpoena for the delivery of documents or records relating to the object of an inquest or necessary to complete an investigation.⁶² Any witness appearing at the inquest shall have the right to counsel.⁶³ A "competent person" must record all witness testimony during the inquest. In the absence of a recording, the coroner must file a signed copy of the testimony in his office.⁶⁴

Records of Inquest

For every inquest that is held the coroner must keep a record of the names of the person upon whose body the inquest is held, the names of the jurors, the names, residences, and occupations of every witness, and the verdict. If the name of the deceased is not known a description of that person and any

⁵⁹ 55 ILCS 5/3-3023

⁶⁰ 55 ILCS 5/3-3024

⁶¹ 55 ILCS 5/3-3024

⁶² 55 ILCS 5/3-3026

⁶³ 55 ILCS 5/3-3030

⁶⁴ 55 ILCS 5/3-3031

facts and circumstances attending the death which may lead to the identification of the deceased must be preserved.⁶⁵

Verdicts

A jury shall inquire into how a body came to its death and deliver a verdict to the coroner. As part of its verdict, the jury may recommend that the death not lead to criminal prosecutions.⁶⁶ The verdict of a coroner's jury is not admissible in actions or proceedings for the recovery of damages arising from or growing out of injuries caused by the negligence of any person, firm or corporation resulting in the death of any person or for the collection of a policy of insurance.⁶⁷

Unlawful Slayers

Witnesses

If the evidence of a witness implicates a person as the unlawful slayer of the person over whom an inquest is held, the coroner shall require that witness to appear in the circuit court on a designated day to provide evidence on the matter.⁶⁸ If the witness refuses to enter into a recognizance required by the coroner, the coroner shall remit the witness to the county jail and provide the court with a copy of the inquest's verdict.⁶⁹

Slayers

If a person implicated by an inquest as the unlawful slayer of the deceased or an accessory thereto is not in custody therefor, the coroner acting upon the signed verdict of his jury shall, in his capacity as conservator of the peace, apprehend such person and immediately bring him before a judge of the circuit court of his county to be dealt with according to law on a criminal charge preferred on the basis of such verdict.⁷⁰

Access to Records

Abuse of Adults with Disabilities

When the Office of Inspector General of the Department of Human Services has reason to believe that the death of an adult with disabilities may be the result of abuse, neglect, or exploitation, it must immediately report the matter to the appropriate coroner and cooperate fully with any subsequent investigation.⁷¹ Further, with the exception of the identity of the person making a report, the

⁶⁵ 55 ILCS 5/3-3032

⁶⁶ 55 ILCS 5/3-3025

⁶⁷ 735 ILCS 5/8-2201

⁶⁸ 55 ILCS 5/3-3028

⁶⁹ 55 ILCS 5/3-3029

⁷⁰ 55 ILCS 5/3-3036

⁷¹ 20 ILCS 2435/25 (f)

department may make any records concerning the reports of abuse, neglect, or exploitation of a disabled adult available to a coroner who has reason to believe that abuse or neglect contributed to or resulted in the death of an adult with disabilities.⁷²

Child Abuse

A coroner who has reason to believe that a child has died as the result of abuse or neglect shall have access to the records of DCFS concerning reports of child abuse and neglect in the furtherance of purposes directly connected with the administration of the Abused and Neglected Child Reporting Act or the Intergovernmental Missing Child Recovery Act of 1984.⁷³

Elder Abuse

In accord with established law and its internal protocols, procedures, and policies, the Department on Aging or one of its designated provider agencies shall provide access to records of elder abuse, neglect, financial exploitation, or self-neglect, but not access to the identity of the person or persons making a report of alleged abuse, to a coroner or medical examiner who has reason to believe that an eligible adult has died as the result of abuse, neglect, financial exploitation, or self-neglect. The provider agency shall immediately provide the coroner or medical examiner with all records pertaining to the eligible adult. Further, a coroner or having proper jurisdiction, pursuant to a written agreement between a provider agency and the coroner, under which the provider agency may furnish to the office of the coroner a list of all eligible adults who may be at imminent risk of death as a result of abuse, neglect, financial exploitation, or self-neglect.⁷⁴

Autopsies

When Autopsies Are Required

The public interest requires that the coroner cause an autopsy, including the taking of x-rays and the performance of other medical tests as he deems appropriate, to be performed where a death has occurred AND

- a) The circumstances concerning the death are suspicious, obscure, mysterious, or otherwise unexplained and in the opinion of the examining physician or the coroner the cause of death cannot be established definitely except by autopsy, and
- b) Where the death appears to have been caused by Sudden Infant Death Syndrome (SIDS);
- c) Where a death has occurred while being pursued, apprehended, or taken into custody by or while in the custody of any law enforcement agency.

⁷² 20 ILCS 2435/55(g)

⁷³ 325 ILCS 5/11.1

⁷⁴ 320 ILCS 20/8

An autopsy is not required based solely on the fact that the decedent was under treatment by prayer or spiritual means alone.

Preparation for Autopsies

The coroner shall give instructions not to embalm the body until toxicology samples are drawn, and if a child dies from suspicious a suspicious cause, the coroner shall secure the services of a pathologist. The Department of Public Health shall provide coroners and pathologists with a child death autopsy protocol.⁷⁵

Who May Perform Autopsies

The coroner may not perform an autopsy unless he is a pathologist and is performing the autopsy at the request of the coroner in *another* county. In all counties other than Cook County, physicians appointed or designated by the Director of the Illinois Department of Public Health must perform all medical examinations or autopsies. Such physicians must be duly licensed to practice medicine in all of its branches, and whenever possible, have special training in pathology. Historically, and as is still reflected in statute, the Director makes his or her appointments or designations upon the recommendation of the Advisory Board on Necropsy Service to Coroners after the board has consulted with the elected coroner. However, after former Governor Blagojevich dissolved this board in 2003, the Director consults directly with the elected coroner before designating physicians for autopsy service. Except in Cook County, the coroner has no authority to designate these physicians himself.⁷⁶ The examining physician shall file copies of the reports or results of his or her autopsies and medical examinations with the coroner and with the Department of Public Health.

SIDS Autopsies

Where an infant under 2 years of age has died suddenly and unexpectedly and the circumstances concerning the death are unexplained, the coroner shall cause an autopsy to be conducted by a physician who is also a pathologist. Parents or guardian of the child shall receive a preliminary report of the autopsy within 5 days of the infant's death. The coroner shall report all suspected Sudden Infant Death Syndrome cases to the Statewide Sudden Infant Death Syndrome Program within 72 hours. If the finding of Sudden Infant Death Syndrome is medically justified pursuant to the Department of Public Health's guidelines, the child's death certificate shall list that cause and be forwarded to the Department of Public Health within 30 days of the death with a report that includes pertinent data and documents.

Corneal Transplant Requests

⁷⁵ 55 ILCS 5/3-3015(b)

⁷⁶ 55 ILCS 5/3-3014

Upon request by a physician licensed to practice medicine in all its branches, or by an eye bank certified by the Eye Bank Association of America, and approved by the coroner, in any case in which a patient is in need of corneal tissue for a transplant, a coroner who orders the performance of an autopsy may provide corneal tissue of a decedent whenever all of the following conditions are met:

- (1) The decedent from whom the tissue is taken is under the jurisdiction of the coroner or county medical examiner.
- (2) There has been a reasonable and good faith effort by the coroner or county medical examiner or any authorized individual acting for the coroner or county medical examiner to contact an appropriate.
- (3) No objection by the decedent or, after the decedent's death, by an appropriate person is known to the coroner or county medical examiner or authorized individual acting for the coroner or county medical examiner prior to removal of the corneal tissue.
- (4) The person designated to remove the tissue is qualified to do so under this Act.
- (5) Removal of the tissue will not interfere with the subsequent course of an investigation or autopsy.
- (6) The individual when living did not make known in writing his or her objection on religious grounds to the removal of his or her corneal tissue.

Objection to the removal of corneal tissue may be made known to the coroner or authorized individual acting for the coroner by the individual during his or her lifetime or by the following persons, in the order of priority stated, after the decedent's death:

- (1) an individual acting as the decedent's agent under a power of attorney for health care;
- (2) the decedent's surrogate decision maker identified by the attending physician in accordance with the Health Care Surrogate Act;
- (3) the guardian of the decedent's person at the time of death;
- (4) the decedent's spouse;
- (5) any of the decedent's adult sons or daughters;
- (6) either of the decedent's parents;
- (7) any of the decedent's adult brothers or sisters;
- (8) any adult grandchild of the decedent;
- (9) a close friend of the decedent;
- (10) the guardian of the decedent's estate; or
- (11) any other person authorized or under legal obligation to dispose of the body.

If the coroner or county medical examiner or any authorized individual acting for the coroner or county medical examiner has actual notice of any contrary indications by the decedent or actual notice that any member within the same class specified above, in the same order of priority, objects to the removal, the coroner or county medical examiner shall not approve the removal of corneal tissue.

The coroner or any authorized individual acting for the coroner authorizing the removal of corneal tissue, shall not be liable in any civil or criminal action for removing corneal tissue from a decedent and using the same for transplant purposes if there has been compliance with the provisions of the law.

Exhuming Bodies for Autopsies

If the coroner deems it advisable to exhume a body for the purpose of investigation or autopsy or both, and the coroner would have been authorized by law to perform an investigation or autopsy on the body before it was interred, the coroner may exhume the body after consulting on the matter with the state's attorney and upon the order of the circuit court directing the exhumation upon the petition of the state's attorney.⁷⁷

Payment of Expenses

The cost of all autopsies, medical examinations, laboratory fees, if any, and travel expenses of the examining physician and the costs of exhuming a body shall be payable from the general fund of the county where the body is found.

Duties Upon Conclusion of Investigations

Issuance and Registration of Death Certificates

The coroner shall register every death occurring in his county, or if the body was found in his county, by filing a death certificate with the county clerk's office within 7 days of the death and before cremation or removal of the body from the State of Illinois, except when the death is subject to investigation by the coroner.⁷⁸ When a death occurs without medical attention or when it is the subject of an investigation by the coroner, the coroner shall sign the death certificate within 48 hours, except as provided by regulation in certain problem cases.

When a fetal death occurs without medical attendance upon the mother at or after the delivery, or when investigation is required by law, the coroner shall be responsible for the completion of the fetal death certificate and shall sign the medical certification within 24 hours after the delivery or the finding of the fetus, except as provided by regulation in special problem cases.⁷⁹

If the decedent was under the age of 18 years at the time of his or her death, and the death was due to injuries suffered as a result of a motor vehicle backing over a child, or if the death occurred due to the power window of a motor vehicle, the coroner or medical examiner must send a copy of the medical certification, with information documenting that the death was due to a vehicle backing over the child or that the death was caused by a power window of a vehicle, to the Department of Children and Family Services.⁸⁰

Cremation Permits

⁷⁷ 55 ILCS 5/3-3015(c)

⁷⁸ 410 ILCS 535/18

⁷⁹ 410 ILCS 535/20

⁸⁰ 55 ILCS 5/3-3018

Prior to cremation of any body, as the statutory cremation-authorizing agent, the coroner must issue a permit to the funeral director or other person having custody of the dead body. The coroner's permit to cremate shall be presented to the local registrar in applying for the Permit for Disposition of Dead Human Body provided for in the Vital Records Act, and the local registrar shall attach the coroner's permit to cremate to the Permit for Disposition of Dead Human Body which is issued. No crematory shall cremate a dead human body unless a Permit for Disposition of Dead Human Body with an attached coroner's permit to cremate has been furnished to authorize the cremation. Human remains may not be cremated within 24 hours of the time of death unless the deceased had an infectious or dangerous disease and the coroner waives the requirement in writing or because of religious requirements.⁸¹

Return of Body to Family of the Deceased

As soon as may be consistent with the performance of his duties, the coroner shall release the body of the decedent to the decedent's next of kin, personal representative, friends, or to the person designated in writing by the decedent or to the funeral director selected by such persons, as the case may be, for burial, and none of the duties or powers of coroners shall be construed to interfere with or control the right of such persons to the custody and burial of the decedent upon completion of the coroner's investigation.⁸²

Unclaimed Bodies and Remains

If there are no persons to accept the body or the remains, the coroner shall cause the body or the remains to be decently buried, cremated, or donated for medical science purposes in accordance with the Cadaver Act,⁸³ the expenses to be paid from the property of the deceased, if there is sufficient, if not, by the county. The coroner may not approve the cremation or donation of the body if it is necessary to preserve the body for law enforcement purposes.

If the State Treasurer, pursuant to the Uniform Disposition of Unclaimed Property Act, delivers human remains to the coroner, the coroner shall cause the human remains to be disposed in a similar fashion. If the police department of any municipality or county investigates abandoned cremated remains, determines that they are human remains, and cannot locate the owner of the remains, then the police shall deliver the remains to the coroner, and the coroner shall cause the remains to be disposed of in the same manner.

Disposition of Personal Property of the Deceased

When any valuable personal property, money or papers, are found upon or near the body which is the subject of a coroner's investigation, inquiry or inquest, the coroner shall take charge of the property and deliver it to those entitled to its care or possession.

⁸¹ 410 ILCS 18/15, 410 ILCS 18/35

⁸² 55 ILCS 5/3-3021

⁸³ 410 ILCS 510/*et. seq.*

If the property is unclaimed, or if the property shall be necessary to defray the expenses of the burial, the coroner shall, after giving 10 days' notice of the time and place of sale, sell such property, and after deducting coroner's fees and funeral expenses, deposit the proceeds thereof, and the money and papers so found, with the county treasurer. The proceeds shall remain in the possession of the county treasurer subject to the order of the legal representatives of the deceased, if claimed within 5 years thereafter, or if not claimed within that time, to vest in the county.⁸⁴

Interference with Duties of the Coroner

Removal of Bodies

No dead body over which the a coroner has jurisdiction, or the personal property of such a deceased person, shall be handled, moved, disturbed, embalmed or removed from the place of death by any person, except with the permission of the coroner, unless the same shall be necessary to protect such body or property from damage or destruction, or unless necessary to protect life, safety, or health. Any person knowingly violates this restriction is guilty of a Class A misdemeanor.⁸⁵

Failure to Notify Coroner of Questionable Death

Every law enforcement official, funeral director, ambulance attendant, hospital director or administrator or person having custody of the body of a deceased person, where the death is subject to investigation, and any physician in attendance upon such a decedent at the time of his death, shall notify the coroner promptly. Any such person who fails to notify the coroner promptly shall be guilty of a Class A misdemeanor, unless such person has reasonable cause to believe that the coroner had already been notified.⁸⁶ This obligation is restated in the Juvenile Court Act of 1987 and provides that if a law enforcement officer has reasonable cause to suspect that a minor has died as a result of abuse or neglect, he or she shall immediately report such suspected abuse or neglect to the appropriate medical examiner or coroner.⁸⁷

Failure to Notify Coroner of the Discovery of Human Remains

Any person who knowingly fails to report the discovery of human skeletal remains within 48 hours is guilty of a Class C misdemeanor, unless such person has reasonable cause to believe that the coroner had already been so notified. If such remains appear to be from an unregistered grave the coroner shall prior to removing the remains promptly notify the Historic Preservation Agency.⁸⁸ Under Illinois law, an unregistered grave is any grave or location where a human body has been buried or deposited, that is

⁸⁴ 55 ILCS 5/3-3033

⁸⁵ 55 ILCS 5/3-3019

⁸⁶ 55 ILCS 5/3-3020

⁸⁷ 705 ILCS 405/2-6

⁸⁸ 20 ILCS 3440/3.

over 100 years old, and is not in a cemetery registered with, licensed by, or under the authority of the appropriate state organization.⁸⁹

Vacancies or Other Occurrences in the Office of Coroner

Temporary Absence Due to Military Service

If a coroner is called into active duty military service the office of coroner shall not be deemed to be vacant and the presiding officer of the county board shall appoint a competent person to perform the duties of the coroner until such time as the coroner shall be discharged from active military service.⁹⁰

Absence of Coroner

If there is no coroner, or if the coroner is a party to or otherwise interested in a matter under his investigation, his duties may be executed by a deputy coroner which the coroner designated to perform his duties, or in the absence of a designation, to any sheriff, sheriff's deputy, or police officer in the county.⁹¹

Vacancies

Whenever a vacancy occurs in the office of an elected coroner, the chairman of the county board may appoint a replacement with the advice and consent of the county board in the manner set forth in the Election Code.⁹² When a vacancy occurs in the office of an appointed coroner, the county board shall fill any vacancy in the office within 60 days. A sheriff who also serves as an appointed coroner may be compensated his or her service in that capacity.⁹³

Abolition of Office By Referendum

If a county abolishes the office of coroner the county board shall within 60 days select a person to perform the duties previously carried out by the coroner. If the sheriff of a county performs these duties he may be compensated for doing so.⁹⁴

Finances

Statutory Coroner Fees

⁸⁹ 20 ILCS 3440/1(b).

⁹⁰ 55 ILCS 5/3-3038

⁹¹ 55 ILCS 5/3-3009

⁹² 55 ILCS 5/3-3039

⁹³ 55 ILCS 5/3-3043

⁹⁴ 55 ILCS 5/3-3044

Under the Counties Code, the coroner is entitled to charge the following amounts as fees for his services:⁹⁵

1. For a copy of a transcript of sworn testimony: \$5.00 per page.
2. For a copy of an autopsy report (if not included in transcript): \$50.00.
3. For a copy of the verdict of a coroner's jury: \$5.00.
4. For a copy of a toxicology report: \$25.00.
5. For a print of or an electronic file containing a picture obtained by the coroner: actual cost or \$3.00, whichever is greater.
6. For each copy of miscellaneous reports, including artist's drawings but not including police reports: actual cost or \$25.00, whichever is greater.
7. For a coroner's or medical examiner's permit to cremate a dead human body: \$50.00. The coroner may waive, at his or her discretion, the permit fee if the coroner determines that the person is indigent and unable to pay the permit fee or under other special circumstances.

All of which fees shall be certified by the court; in the case of inmates of any State charitable or penal institution, the fees shall be paid by the operating department or commission from the State Treasury. In counties other than Cook County, the State's attorney shall collect such fees out of the estate of the deceased.

Same Fees as Sheriff

Except as otherwise provided by law, whenever the coroner is required by law to perform any of the duties of the office of the sheriff, the coroner is entitled to the like fees and compensation as are allowed by law to the sheriff for the performance of similar services. Similarly, whenever the coroner of any county is required to travel in the performance of his or her duties, he or she shall receive the same mileage fees as are authorized for the sheriff of such county.

Payover of Fees to Special Fund

The coroner's office must pay over any fees it collects, or were collected on its behalf, to the county treasurer for deposit into a special account in the county treasury. Moneys in the special account shall be used solely for the purchase of electronic and forensic identification equipment or other related supplies and the operating expenses of the coroner's office.

Inquest and Burial Expenses

When the wrongful act of a common carrier or manufacturer cause a death, the person or company owning or operating such facilities or means of transport is liable to pay for the coroner's inquest and the burial of the deceased.⁹⁶

⁹⁵ 55 ILCS 5/4-7001

⁹⁶ 55 ILCS 5/3-3035

Other Statutory Provisions Impacting the Coroner

Illinois Anatomical Gift Act

The following provisions of the Illinois Anatomical Gift Act⁹⁷ specifically apply to the Coroner:

755 ILCS 50/5-20 – Manner of Executing Anatomical Gifts

This section describes how donors can make anatomical gifts, permissible documents for such gifts and donees.

(f) – Noting in this section shall be construed to authorize interference with the coroner in carrying out an investigation or autopsy.

755 ILCS 50/5-45 – Rights and Duties at Death

The Anatomical Gift act is subject to the provisions of the Counties Code pertaining to the office of coroner, as well to Illinois laws that prescribe the powers and duties with respect to autopsies, and to state statutes, rules, and regulations governing the transportation and disposition of deceased human bodies.

Freedom of Information Act (FOIA)

The Freedom of Information Act (FOIA) is generally applicable to coroners and their offices. Most requests will need to be complied with within 5 business days unless the coroner extends that time to the extent and for the reasons authorized by the Act.

The coroner must designate a FOIA Officer within his office who is responsible for performing various duties under FOIA, including managing incoming requests and completing a mandatory annual training program available from the Attorney General's website.

Though FOIA takes the position that records of public bodies are presumed to be open for inspection and copying, the Act does provide numerous exemptions which the coroner may assert when appropriate. While the list of exemptions is extensive, many of the exemptions frequently applicable to the work of the coroner's office pertain to instances where disclosure would be an unwarranted invasion of personal privacy (ie autopsy photographs), obstruct a criminal investigation, involve records provided to a mortality review team, and or include certain information pertaining to the interment of human remains.

Interaction with State Agencies

Department of State Police

⁹⁷ 755 ILCS 50/1.1 – 5.50

Dental Records

Every county medical examiner and coroner shall, in every death investigation where he or she cannot determine the identity of a dead body by visual means, fingerprints, or other identifying data, have a qualified dentist, as determined by the county medical examiner or coroner, conduct a dental examination of the dead body. If the county medical examiner or coroner, with the aid of the dental examination and other identifiers, is still unable to establish the identity of the dead body, the medical examiner or coroner shall forthwith submit the dental records to the State Police – which serves as the central repository for these records and sets rules for the form and manner of their submission.⁹⁸

The State Police receives and files dental records submitted by county medical examiners and coroners from unidentified dead bodies and submitted by law enforcement agencies from persons reported missing for more than 30 days. It further provides information from this file on possible identifications resulting from the comparison of dental records submitted with those records on file, to county medical examiners, coroners, and law enforcement agencies.⁹⁹

DNA Fingerprint Analysis

A coroner shall provide the State Police with a sample of dried blood and buccal specimens from a dead body for DNA fingerprint analysis when the State Police notifies the coroner that it has determined that providing that sample may be useful for law enforcement purposes in a criminal investigation. In instances where the coroner cannot obtain uncontaminated blood or buccal specimens, he or she may submit a tissue sample instead. In addition, if a local law enforcement agency notifies a coroner that such a sample would be useful in a criminal examination, the coroner shall provide a sample to the local law enforcement agency for submission to the State Police.¹⁰⁰

Forensic Services

The State Police's internal Division of Forensic Services is tasked with the duty of establishing and operating a forensic science laboratory system, including a forensic toxicological laboratory service, for the purpose of testing specimens submitted by coroners and other law enforcement officers in their efforts to determine whether alcohol, drugs, or poisonous or other toxic substances have been involved in deaths, accidents, or illness.¹⁰¹

Department of Public Health

Advisory Board on Necropsy Service to Coroners

Illinois law provides for the creation of an Advisory Board on Necropsy Service to Coroners within the Illinois Department of Public Health.¹⁰² The Governor appoints the members of this 11-member board which is empowered to counsel and advise the Department's director on the administration of the

⁹⁸ 20 ILCS 2630/9

⁹⁹ 20 ILCS 2605/2605-380 (formerly 20 ILCS 2605/55a-8)

¹⁰⁰ 20 ILCS 2630/9.5

¹⁰¹ 20 ILCS 2605/2605-40 (formerly 20 ILCS 2605/55a-4)

¹⁰² 20 ILCS 5/5-565(c) (formerly 20 ILCS 5/5.06)

Autopsy Act. By law, 3 of the 11 board members must be elected coroners, 3 must be physicians, and 5 must be neither physicians nor coroners. At least one member must be a senior citizen over the age of 60. Former Governor Blagojevich abolished this board by executive order in 2003, however the Illinois General Assembly not taken any action to remove references to it from statute.

Alzheimer's Disease Information

The Department shall provide information to coroners regarding the importance of autopsies in the diagnosis and in the conduct of research into the causes and cure of Alzheimer's disease and related disorders. It must also arrange for education and training programs that will enable coroners to oversee autopsies necessary for a proper diagnosis of Alzheimer's disease or related disorders as the cause or a contributing factor to a death.¹⁰³

Toxicological Laboratory Services

The Department is authorized to establish and operate a toxicological laboratory service for the purpose of testing specimens submitted by coroners, physicians and law enforcement officers in their efforts to determine whether poisonous, biologically infectious or radioactive substances have been involved in deaths, accidents, or illness; providing technical assistance and advice on the safe handling of such specimens; and for the further purpose of testing samples of water, air, and other substances to determine the radioactive or chemical ingredients of pollutants or industrial wastes which are or may be emptied into, or found in the streams, waters and atmosphere, and for similar purposes.¹⁰⁴

Task Force on Organ Transplantation

The Department is also home to a 21-member Task Force on Organ Transplantation. The Director of the Department of Public Health appoints 15 of these members, one of whom must be a representative from the Illinois State Coroners Association.¹⁰⁵ Among the responsibilities of the Task Force was to conduct a comprehensive examination of the medical, legal, ethical, economic, and social issues presented by human organ procurement and transplantation and report its finding to the General Assembly and the Governor by January 1, 1999.

¹⁰³ 20 ILCS 2310/2310-335

¹⁰⁴ 410 ILCS 60/1

¹⁰⁵ 20 ILCS 2310/2310-395 (formerly 20 ILCS 2310/55.72)

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