

Private Autopsy

1115.1 PURPOSE AND SCOPE

Pursuant to Government Code 27520, the Coroner Division Facility shall perform a private autopsy when requested in writing by the decedent's next-of-kin. This policy establishes rules and guidelines for the processing and approval of requests for private autopsy examination.

1115.2 REQUEST PROCESS

All requests for a private autopsy examination shall be made in writing by the requestor and submitted to the on-duty Coroner Watch Commander. The Watch Commander shall determine whether the requestor has the legal authority to make the request.

(a) Government Code 27520 mandates:

1. The request shall be made by the decedent's surviving spouse.
2. If there is no surviving spouse, the request shall be made by the decedent's surviving child or parent.
3. If there is no surviving child or parent, the request shall be made by the decedent's legal next-of-kin.

If there is no surviving spouse, child, or parent, legal next-of-kin shall be determined in accordance with Health and Safety Code section 7100. If there is a dispute between next-of-kin with equal legal authority regarding performance of an autopsy, the Watch Commander shall forward the request to the Coroner Division Commander, or his/her designee, for review.

1115.3 REVIEW OF REQUEST

The Watch Commander shall review the content of the request to determine whether case history or circumstances would cause the death to fall under Coroner jurisdiction. If the death does fall under Coroner jurisdiction and would require a postmortem examination pursuant to Division policy, the Watch Commander shall arrange for the examination at no cost to the requestor. If the death does not fall under Coroner jurisdiction, the Watch Commander shall arrange for the decedent to be transported to the Coroner Division Facility for private autopsy.

1115.4 FEES

The cost of the autopsy, additional testing, and any other related expenses shall be paid in full by the requestor, prior to transport of the decedent or start of autopsy examination. The fees shall be determined by the Orange County Sheriff's Department – Financial and Administrative Services Division.

1115.5 DOCUMENTATION

All cases approved for private autopsy examination shall be recorded in the CME database. The assigned Deputy Coroner shall create a new Coroner case and complete all applicable CME data

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fields, with the option of "Private Autopsy" entered in the fields titled "Possible Manner" and "Final Manner." The field titled "Autopsy Code" shall be marked "Private." The assigned Deputy Coroner shall also prepare a Coroner Investigator report in accordance with Division policy and procedure.

1115.6 DEATH CERTIFICATE

Upon receipt of a request for private autopsy, the Watch Commander shall determine whether there is a primary physician willing and able to state a natural cause of death.

- (a) The death certificate must be attested by the primary physician prior to commencement of a private autopsy.

1115.7 AUTOPSY PROCEDURES AND SAMPLE RETENTION

All decedents approved for private autopsy shall be transported, examined, and released by the Coroner Division in accordance with standard operating procedures. All tissues and specimens collected during the autopsy shall be retained and discarded in accordance with Coroner Division policy.

1115.7.1 ADDITIONAL TESTING

Following the initial autopsy examination, the Watch Commander shall consult with the pathologist in order to determine whether additional testing is required in order to determine the cause and manner of death.

- (a) Additional testing may include a toxicology screen, microscopic examination, or neuropathological examination.

1115.8 CAUSE OF DEATH AND DEATH CERTIFICATE AMENDMENTS

If, at the conclusion of the autopsy and after all additional testing is completed, the Coroner pathologist determines the cause of death to be markedly different than the cause(s) of death previously attested by the primary physician, the Coroner may elect to amend the death certificate to reflect the updated cause of death.

If, at the conclusion of the autopsy and after all additional testing is completed, the Coroner pathologist determines the cause of death to be similar to that previously attested by the primary physician (i.e. natural causes), the death certificate shall remain unchanged.

1115.9 CORONER RECORDS

All Coroner records pertaining to private autopsy examinations shall be managed and released in accordance with Coroner Division policy.