

Ohio Senate Finance Committee
Senator Jerry Cirino, Chair
May 29, 2025
HB 96 - State Budget - Coroner Law Revision
Opponent Testimony
David P. Corey, Executive Director
Ohio State Coroners Association

Chair Cirino, Vice Chair Chavez, Ranking Minority Member Hicks-Hudson, & Senate Finance Committee Members, thank you for the opportunity to speak with you today regarding one of the country's highest regarded state death investigation systems – Ohio's Elected County Coroner system. My name is David Corey and I've been the Executive Director of the Ohio State Coroners Association for the past 30 years.

As a backdrop, we want to quickly mention that about ten years ago we had the distinct pleasure of making a presentation at the National Institute of Justice's (NIJ) "Death Investigation Symposium" where almost two-thirds of all states were in attendance. After thoroughly reviewing Ohio's Elected County Coroner System during our 1.5-hour presentation, the attendees and NIJ Director were in agreement that Ohio should be held up as the model for how death investigation should be conducted in the United States. "Having forensically trained, independent, county elected, physician coroners, provides the most cost-effective and efficient death investigation model that we have seen," was the most frequent comment given.

We come here today with a number of goals – to once again explain the office of County Coroner, answer questions and to urge you to reject the language that was inserted by the House in the omnibus amendment to HB 96, that deleted the elected county coroner and replaced it with commissioners appointing coroners.

First, ORC 313.12 states that "the coroner shall be notified in case of death by violence, casualty, suicide, or suspicious or unusual manner." At that time, the coroner, using their medical and investigative knowledge and training makes the determination if it will be a coroner case and if they will take "jurisdiction".

In addition to determining cause and manner of death, investigating the scene, testifying in court, interfacing with families, law enforcement, prosecuting attorneys, defense attorneys, etc., there are many other functions that the coroner is involved in that make it paramount that they remain an elected official because of the standing, expertise and authority that being an elected official carries. By being an elected official, it also gives families and others involved, in an untimely death, the reassurances that their loved one will get the utmost respect and thorough & unbiased investigation that they deserve.

There are other duties of the coroner that often get overlooked where being an elected office holder enhances the work of these groups: Child Fatality Review Boards, Infant & Maternal Fatality Review Boards, Suicide Prevention Task Forces, Drug Addiction/Fatality Task Forces, Trauma Victim Task Forces, just to name a few.

While it has been reported that there is an issue with finding physicians to run for the office of county coroner, we'd like to clarify. During the most recent election in 2024, there were 5 counties where a physician had to be appointed. In two of those counties there were retirements during the calendar year so they were appointed during the year by the County Party Central Committee. We recognize that perception is often reality when elected positions are not secured through the election process. Our Association renews its broader education platform to better educate and ensure that Ohio voters have choice at the ballot box.

Under current law, commissioners already have the authority to appoint a coroner if no one runs for the office. Plus, under current law, they have the authority, if the county can't find anyone to appoint, the commissioners can contract with another county coroner to provide coroner services.

Hence, commissioners already have the authority to do the two things they want to inflict on all counties – appoint and regionalize. There is absolutely no need for this provision to be included in HB 96. In fact, there is no reason to “throw the baby out with the bath water”, so to speak. Why make such a drastic change to a well-respected system? We've asked ourselves that many times, especially in light of the fact that commissioners already have that authority in certain circumstances that we just outlined. Additionally, there have been numerous county commissioners that have informed us that they, “want nothing to do with appointing coroners, or any other current county elected official for that fact.”

There's no cost savings because a county will still need a qualified, trained death investigation system in the county to perform the duties whether they be elected or appointed. The biggest effect, by appointing coroners, is it takes away the independence and impartiality of the death investigation. Coroners are NOT deemed law enforcement nor are they part of the prosecutor's office or the commissioner's office. Ohio's elected county coroners “speak for the dead” and answer to the electorate, which is a vital check and balance against institutional overreach by ensuring that cause and manner of death determinations and forensic investigations are conducted impartially and without undue influence.

While we understand there are certain challenges in all of county government (as well as in city, township and state government) we believe addressing these challenges is better suited for a stand-alone bill where more robust discussions can be had for maybe just not coroners but all of county and local government. For example, if there are cost savings needed, one way to address that is consolidate counties all together. Does Ohio really need 88 counties? Could southeastern Ohio counties, for example, be consolidated in order to achieve regionalization, savings and added influence/clout maybe in the form of a regional County Council system?

We believe these global discussions would be better suited for a stand-alone bill. The Ohio State Coroners Association stands with our other county elected official organizations in pledging to work with the members of the General Assembly who want to make wholesale changes to county government.

Please see the attached letter from the Ohio Council of County Officials and also an editorial by the famed forensic pathologist Dr. Cyril Wecht, MD, JD that explains the distinction and pitfalls of "appointed" versus "elected" coroners. We've also included a copy of the amendment that we are respectfully requesting be included in the Senate-passed version of HB 96.

We trust you will see that changing from an elected coroner system to an appointed coroner system will not solve the perceived "problem" the House is trying to solve and will potentially upend one of the most respected death investigation systems in the country. We are respectfully asking you to delete language that would make the elected coroner system an appointed position by the commissioners in all of Ohio's counties. Thank you.



Ohio Council of County Officials

County Auditors Association of Ohio (CAAO), Ohio Clerk of Courts Association (OCCA), County Commissioners Association of Ohio (CCAO), Ohio State Coroners Association (OSCA), County Engineers Association of Ohio (CEAO), Ohio Judicial Conference (OJC), Ohio Prosecuting Attorneys Association (OPAA), Ohio Records Association (ORA), Buckeye State Sheriffs Association (BSSA), County Treasurers Association of Ohio (CTAO)

April 21, 2025

To whom it may concern:

On behalf of the Ohio Council of County Officials (OCCO) I am writing to express our strong support for the continued election of county coroners. As a vital component of our public health and justice systems, elected coroners serve as impartial authorities responsible for determining the cause and manner of death, often in complex and sensitive circumstances.

The election of coroners ensures that these officials are directly accountable to the communities they serve, fostering transparency and trust. Elected coroners bring a unique understanding of local concerns and are more attuned to the needs of their constituents. This local accountability is essential for maintaining the integrity and effectiveness of the office.

Moreover, elected coroners often possess specialized training and experience in forensic pathology, emergency medicine, or law enforcement, equipping them to handle the diverse challenges of the role. Their expertise is crucial in providing accurate and timely determinations that can impact legal proceedings, public health responses, and the grieving process of families.

The OCCO urges support for the continued election of county coroners, recognizing the importance of local control and accountability in this critical position. Their work not only upholds the rule of law but also provides closure and justice to families during some of the most difficult times in their lives.

Thank you for considering this important issue.

Sincerely,

Judge Phillip A. Riegle
Hancock County Common Pleas Court
President, Ohio Council of County Officials

IMHO: IN MY HUMBLE OPINION

Coroners vs. Medical Examiners: What's in a Name?

In the recent edition of N.A.M.E News (Vol. 11, No. 2 –Page 5), my respected colleague, Dr. Dimitri Contostavios, wrote a piece for “In My Humble Opinion”. While I was pleased to note that the Allegheny County Coroner’s Office was specifically excluded from the reference to “anachronistic coroner systems”, I must nevertheless comment on what I consider to be an extremely important point that well- intentioned, genuinely dedicated individuals, who call for the replacement of all elected coroners by appointed medical examiners, either fail to note or unfortunately do not appreciate.

Simply put, there is an oxymoron between points 1 and 2 set forth by Dr. Contostavios, namely, the juxtaposition of the words “appointed” and “autonomous”. If you are appointed by someone, then you cannot truly be considered as autonomous. Every medical examiner is chosen and put into office by some elected political official, local or state government agency, or an intermediary commission selected by such political entities, In contrast, a coroner is elected by the voters in his/her community and therefore is not answerable to any government official.

If any of my younger forensic pathologist colleagues believe that this is an unrealistic or exaggerated concern, I suggest they contact two of the most respected and competent forensic pathologists in the United States, Dr. Thomas Noguchi and Dr. Michael Baden. Ask them about autonomy. Somehow, such a professional status failed to protect and immunize them from being forced out of their positions as Chief Medical Examiner of Los Angeles and New York City, respectively, when local politicians became displeased with some of their scientific findings and publicly expressed opinion regarding certain high profile death cases.

As an elected coroner, I conduct open inquests into any matter that I believe may adversely affect the health, welfare, or safety of the residents of our community. This includes every kind of police-related death, from pursuit to incarceration. If we believe that any particular death investigation – hospital, personal care/nursing homes, industrial, motor vehicular, environmental, etc. – requires further public scrutiny, we do not hesitate to subpoena records, conduct a news conference, convene an open inquest, and ultimately arrive at a formal opinion. We often make recommendations to the District Attorney for criminal charges to be filed after previously unknown facts are elicited during testimony given under oath.

I believe that the ultimate responsibilities, purpose and objectives of a modern day medical-legal investigative office cannot be fully achieved unless appropriate and necessary follow-up measures are pursued by that office. Performance autopsies by trained, competent forensic pathologists with the scientifically accurate determination of cause and mechanism of death is not always sufficient. Sometimes, it is only the beginning of a proper and essential inquiry. If the community is to truly benefit from the services of skilled forensic pathologists and other related forensic scientists in the investigation of unnatural, suspicious, and controversial deaths, it is essential that medical-legal investigative offices aggressively attempt to correlate pathologic findings in certain cases to various external factors and situation. If an elected coroner has the knowledge to recognize these kinds of critical cases and the courage to pursue them – no matter whose ox may be gored – then these important goals can be achieved. That is the literal meaning and practical significance of true autonomy. How many medical examiners in the United States have the inherent procedural power to pursue such matters in this fashion? And in highly sensitive and politically controversial matters, how many have the courage to speak out publicly, especially if they are aware that such freely expressed criticism will not be appreciated and calmly received by the political official or governmental agency that appointed him? What is in a name is not the controlling factor in the longstanding and ongoing debate. How the medical-legal investigative office is structured, and how the forensic pathologist executes these duties and ultimate responsibilities for the community he serves, are what count.

Think about it.

Cyril H. Wecht, M.D., J.D.
Coroner, Allegheny County, PA

Office of the Highland County Coroner

Jeffrey S. Beery, MD, Coroner



April 28, 2025

David P. Corey, MBA
Executive Director
Ohio State Coroner's Association
3757 Indianola Avenue
Columbus, Ohio 43214

Dear David:

I had meetings with the Highland County Republican Club and the Republican Central Committee last night. The members were aware of the proposed change passed by the Ohio House to remove the elective process for coroners. Both organizations strongly disagree with this and seemed genuinely offended that this law change was being proposed.

They did most of the talking and thought of many good reasons why this change should not occur. Their areas of primary concern were the increased cost and the potential for coercion to make an employed medical examiner change their ruling to fit a political narrative. At the end of the Republican Central Committee meeting, State Senator Shane Wilkin came late. He didn't even get completely through the door before members of the committee started grilling him about this change. This went on and off for another 40 minutes or so.

Shane admitted that the plan was backed by the commissioners' organization and that there was talk of combining four counties together. The committee members jumped on this immediately and pointed out the cost and inefficiency of delayed response times and made it clear they wanted to keep elected county coroners as is. Senator Wilkin said he felt it was very unlikely that anything would come of this change, and he thought it would be like past attempts to change the county engineers' office. Thank you for your help in this matter. Please let me know, how I can be of further assistance.

Sincerely,

Jeffrey S. Beery, M.D.
Highland County Coroner

JSB/kow

Am. Sub. H. B. No. 96
As Passed by the House

_____ moved to amend as follows:

Delete lines 20694 through 20754 (Remove R.C. 305.02)	1
In line 20808, reinsert "coroner"; delete " <u>auditor</u> "	2
In line 20809, reinsert "coroner"; delete " <u>auditor</u> "	3
In line 20813, reinsert "coroner"; delete " <u>auditor</u> "	4
In line 20814, reinsert "coroner"; delete " <u>auditor</u> "; reinsert "coroner's"	5 6
In line 20815, delete " <u>auditor's</u> "	7
In line 20820, reinsert "coroner"; delete " <u>auditor</u> "	8
In line 20821, reinsert "coroner"; delete " <u>auditor</u> "	9
In line 20826, reinsert "coroner"	10
In line 20827, delete " <u>auditor</u> "	11
In line 20828, reinsert "coroner's"; delete " <u>auditor's</u> "	12
In line 20834, reinsert "coroner"; delete " <u>auditor</u> "	13
In line 20837, reinsert "coroner's"; delete " <u>auditor's</u> "	14
In line 20839, reinsert "coroner's"; delete " <u>auditor's</u> "	15

Legislative Service Commission


jsadt823jh7ggvfus7mbpv

Delete lines 21115 through 21210 (Remove R.C. 313.01, 313.02, and 313.04)	16
	17
Delete lines 140748 through 140753 (Delete Section 703.10)	18
Update the title, amend, enact, or repeal clause accordingly	19

The motion was _____ agreed to.

<u>SYNOPSIS</u>	20
County coroner appointment	21
R.C. 305.02, 305.03, 313.01, 313.02, and 313.04; Section 703.10	22
	23
Restores current law and removes the following provisions from the bill:	24
	25
- Changes the county coroner from being elected by voters to appointed by the board of county commissioners.	26
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- Specifies that current county coroners who were elected may complete the remainder of their terms.	28
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- Replaces the county coroner with the county auditor as the county official to fill in when two county commissioners are absent.	30
	31
	32