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CORDER

PRELIMINARY REPORT
ON THE
ORGANIZATION,
COMPOSITION, &
RESPONSIBILITIES
OF THE
CORONER
OF
MULTNOMAH COUNTY, OREGON

W. C. MERRELL
Executive Secretary
Home Rule Charter Committee
January 4, 1965

DUTIES OF THE CORONER

This report is a preliminary report on the present organization and functions of the Coroner of Multnomah County. The findings are based upon a review of the 1964-65 fiscal year budget request, the Oregon Revised Statutes, and an interview with the Coroner-Elect.

This report will be somewhat different from the reports written on the other departmental organizations in that investigations of deaths in the State of Oregon in the 35 counties other than Multnomah County are carried out by a Medical Investigator. Only Multnomah County of all Oregon counties retains the elected Coroner position. Accordingly, this report will come in two parts. First it will contain a description of the Medical Investigator organization of the State and the other counties and then a description of the Coroner's Office in Multnomah County.

Legislation was introduced in the last session of the legislature to include Multnomah County in the Medical Investigator system, but it was not passed. A bill will be introduced in this session hopefully sponsored by a majority of the Multnomah County delegation.

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Within the Department of Health and under the State Board of Health the legislature of Oregon established the position of a Chief Medical Investigator. Professionally he is required not only to be an M.D. but also a Pathologist, and while the law does not require it, he is hopefully a Forensic Pathologist. His duties include the pathological, toxicological, bacteriological, and serological examinations used in connection with the post mortem examinations; serves as supervisor to county and district medical investigators in all matters relating to the investigations of deaths; assists and advises county and district medical investigators in the performance of their duties and provides them with forms for making their reports to him; conducts training programs for medical investigators and peace officers; and keeps complete records of all relevant information concerning deaths requiring investigation.

In all 35 counties other than Multnomah County the county or the district health officer is the county or the district medical investigator for that county or district.

When the Medical Investigator ascertains that there is a death requiring investigation, he is obliged to immediately report the matter to the District Attorney of the county in which the death occurred and the death investigations are to be under the control and direction of the Medical Investigator and the District Attorney. He possesses the authority and right to enter and close premises or any other place in which the body or evidence of the circumstances of the death requiring investigation may be found. Either the Medical Investigator or the District Attorney may order a post mortem examination and the District Attorney may order an inquest to inquire into the cause of death. Under the Medical Investigation system, the District Attorney carries out the duties of summoning the jury of inquest, the swearing of jurors, the issuance of subpoenas, etc., and the Sheriff has the duties pertaining to the safekeeping of evidence and valuables and the disposition of paupers remains.

The medical investigator has the duty of making a written report containing the findings that result from his investigation of a death to the chief medical investigator.

* * * * *

The Multnomah County Coroner on the other hand has a different set of rules. When the Coroner is informed or ascertains that there is a death requiring investigation, he is obliged to immediately report the matter to the district attorney of his county.

If directed by the District Attorney, the Coroner may order an autopsy or an inquest to be made. For these purposes he is obliged to secure expert services for making the autopsy or holding the inquest. When it becomes the duty of the Coroner to make the inquiry, he is required to summon a jury of inquest to appear before him at a specified place to inquire into the cause of death. In the event that the Coroner is unable for any reason to act in this capacity, any Justice of the Peace of the county is authorized and required to perform the duties required of the Coroner. The jury is sworn by the Coroner, and the Coroner subpoenas and examines the witnesses in the case. He possesses the same authority as a magistrate.

Chart I shows by contrast the major differences between the County Coroner in Multnomah County and the Medical Investigator of other counties.

CHART I

CONTRAST CHART OF SALIENT POINTS -
CORONER VS. MEDICAL INVESTIGATOR.

CORONER

1. Oregon Counties:
Multnomah County only
2. Qualifications:
U.S. Citizen, 21 years or over.
3. Immediately report to District Attorney cases of death requiring investigation.
4. Investigations held by Coroner.
5. If directed by DA, ascertain post mortem examination by expert and/or conduct inquest.

MEDICAL INVESTIGATOR

1. Oregon Counties:
All counties except Multnomah
2. Qualifications:
Appointed County Health Officer under supervision and direction of State Pathologist.
3. Same.
4. Investigations held jointly by Medical Investigator and DA.
5. Either DA or Medical Investigator may order autopsy; DA conducts inquest.

Both candidates for the position of County Coroner in the last election campaigned on a platform of abolishment of the office. The newly elected Coroner is having a bill introduced to the current session of the legislature which, if passed as introduced, would abolish the Office of the County Coroner and place Multnomah County under the Medical Investigator system of the State of Oregon. However, this bill goes further than the existing legislation pertaining to medical investigations throughout the State of Oregon in that this bill would place the investigations in Multnomah County directly under the State Medical Investigator without having the County Health Officer as the County Medical Investigator as is the case in all other counties.

It is the recommendation of the Executive Secretary to the Home Rule Charter Committee that the Committee hear from the Coroner but defer further studies on this question until the legislative action on the bill introduced has been ascertained. If Multnomah County is placed under the State System of Medical Investigations, a decision as to charter content and organizational placement of the Coroner's Office would be obviated.

DUTIES OF THE CORONER

INVESTIGATIONS OF DEATHS (General Provisions)

146.005 Definitions. As used in ORS 146.005 to 146.070, 146.105 to 146.280, and 146.410 to 146.610:

(1) "Death requiring investigation" means a death occurring in one of the circumstances set forth in ORS 146.030.

(2) "Medical investigator" means a county or district medical investigator.
[1959 c.629 §8]

146.010 [Amended by 1959 c.629 §16; renumbered 10.810]

146.020 [Renumbered 10.820]

146.030 Deaths requiring investigation.

An investigation of the death of a person occurring in any of the following circumstances shall be made by the coroner or medical investigator, as the case may be:

(1) Where death was caused or apparently caused by external force, including but not limited to the following causes:

(a) Homicide and suicide.

(b) Criminal abortion, including one self-induced.

(c) Accident.

(d) Thermal, chemical, electrical or irradiation injury.

(2) Where death was caused or apparently caused by a disease which is of a hazardous or highly communicable nature as specified by the board.

(3) Where death was caused or apparently caused by deceased's employment, or accident while employed, including diseases relating to injury.

(4) Where a person who is found dead or has died suddenly has not been under the care of a person licensed to practice one or more of the healing arts during the period immediately previous to death.

(5) Where deceased was admitted to a public or private institution for less than 24 hours and is not known by the medical investigator to have been under the care of a person licensed to practice one or more of the healing arts during the period immediately previous to admittance.

(6) Where a death certificate has been signed, but circumstances indicate to the medical investigator that further investigation may be necessary to determine the cause of death.

(7) Where death occurred under suspicious or unknown circumstances.

[1959 c.629 §10]

146.040 Chief Medical Investigator. (1)

The office of Chief Medical Investigator hereby is established within the agency headed by the State Board of Health.

(2) He shall be a pathologist and, in the opinion of the State Board of Health, possess the qualifications which would make him eligible to be licensed by the State Board of Medical Examiners.

(3) He shall be appointed by the State Board of Health and is subject to removal in the manner provided for the State Health Officer. He shall receive an annual salary, which shall be fixed by the State Board of Health unless otherwise fixed by ORS 292.505 to 292.790.

(4) He may teach medical or law school classes if, in the opinion of the State Board of Health, it will contribute to the performance of his duties or promote the objectives of ORS 146.050 to 146.070.

(5) Subject to the State Civil Service Law, the Chief Medical Investigator may employ personnel to fill or discharge personnel from positions established by the State Board of Health to aid him in the performance of his functions.
[1959 c.629 §1]

146.050 Duties of Chief Medical Investigator. The Chief Medical Investigator shall:

(1) Where practicable, use existing laboratory facilities for the pathological, toxicological, bacteriological and serological examinations used in conducting post mortem examinations.

(2) Under the direction of the State Board of Health and the State Health Officer, secure temporary laboratory facilities where needed.

(3) Under the direction of the board and the State Health Officer, serve as supervisor to county and district medical investigators in all matters relating to the investigation of deaths occurring under circumstances set forth in ORS 146.030.

(4) Assist and advise county and district medical investigators in the performance of their duties and provide them with forms for making reports.

(5) Prepare and maintain a list of pathologists willing to cooperate in the performance of post mortem examinations when ordered under ORS 146.470.

(6) Under the direction of the State Board of Health and the State Health Officer, and in cooperation with law enforcement

DUTIES OF THE CORONER (CONTINUED)

agencies, conduct training programs for medical investigators and peace officers.

(7) Keep complete records of all relevant information concerning deaths requiring investigation. The findings of post mortem examinations and inquests, if any, shall be part of the record in each case.

[1959 c.629 §2]

146.060 Biennial report of Chief Medical Investigator. The Chief Medical Investigator shall submit a biennial report to the State Board of Health and State Medical Investigation Advisory Committee showing by counties and in the state:

(1) The general status of medical investigations into deaths as of June 30 preceding the biennial session of the Legislative Assembly.

(2) The number of deaths occurring in the circumstances set forth in ORS 146.030, the number of post mortem examinations conducted and the number of inquests held.

(3) Training programs begun and recommendations for future training programs.

(4) Other information that may be of use to the board.

[1959 c.629 §3]

146.070 State Medical Investigation Advisory Committee. (1) There hereby is established the State Medical Investigation Advisory Committee.

(2) The advisory committee shall recommend for the consideration of the State Board of Health policy, standards and procedures for the administration of ORS 146.030 to 146.060, 146.420 to 146.470, 146.560 to 146.590, and 431.130.

(3) The advisory committee shall recommend the name or names of pathologists to the State Board of Health, from which the board may appoint the Chief Medical Investigator.

(4) The advisory committee shall consist of seven members appointed by the Governor and shall include:

(a) A district attorney.

(b) A sheriff.

(c) The Superintendent of State Police.

(d) A physician licensed by the State Board of Medical Examiners.

(e) A county or district health officer.

(f) A pathologist.

(g) A member from the general public.

(5) The Chief Medical Investigator shall be a member of the advisory committee without a vote.

(6) The advisory committee shall meet biannually at a time and place to be determined by the chairman. The chairman or any three members of the committee may call a special meeting upon not less than one week's notice to the other members. However, the committee shall hold its first meeting as soon as possible following the appointment of its members.

(7) The term of each member of the advisory committee, other than the Superintendent of State Police, shall be two years, except that the terms of three of such original members, to be determined by lot at the first meeting of the committee, shall expire on December 31, 1961, and the terms of the other three original members shall expire on December 31, 1962. An appointment to fill a vacancy shall be for the unexpired term of the member whose position has become vacant. The Superintendent of State Police shall be a member so long as he holds the position of superintendent.

(8) The advisory committee shall select one of its members as chairman, and another as vice chairman, for such terms and with such powers and duties as the committee shall determine. Three voting members of the board shall constitute a quorum for the transaction of business.

(9) A member of the advisory committee may not be compensated for his services as a member; but, subject to any other applicable law regulating travel and other expenses for state officers, he may receive his actual and necessary travel and other expenses incurred in the performance of his official duties.

[1959 c.629 §4]

146.080 to 146.100 [Reserved for expansion]

(Multnomah County)

146.105 Counties to which ORS 146.110 to 146.280 apply. ORS 146.110, 146.115, 146.120, 146.130, 146.140, 146.150, 146.160, 146.170, 146.180, 146.190, 146.200, 146.210, 146.220, 146.230, 146.240, 146.250, 146.260, 146.270 and 146.280 shall apply to every county having a population of 400,000 persons, or more, according to the latest federal decennial census, and to every county having a population of less than 400,000 persons, according to the latest federal decennial census, in which the office of a coroner elected or appointed before January 1, 1961, has not become vacant or the coroner has

not completed the term of office for which he was elected or appointed.
[1959 c.629 §7]

Note: ORS 146.110 to 146.280 now apply only to Multnomah County. See 1959 c.628 §§2, 3, 4, 7 and 1959 c.629 §44.

146.110 Duties of coroner when informed of death requiring investigation; report of findings. (1) When the coroner is informed or ascertains that there is a death requiring investigation, the coroner shall immediately report the matter to the district attorney of his county, cause the body of any such deceased person to be placed under strict guard, free from the interference of any unauthorized person, until released by order of the district attorney, and, if directed so to do by the district attorney, order an autopsy or an inquest to be made or held upon the body of such person or concerning his death, or both. For these purposes he shall secure expert services for making the autopsy or holding the inquest.

(2) The coroner shall make a written report containing the findings that result from investigation of a death requiring investigation. This report shall be on forms provided by the Chief Medical Investigator. A copy of the report shall immediately be sent to the Chief Medical Investigator. The district attorney may request and secure copies of these reports.

(3) Any person who is refused an inspection of the records provided for in subsection (2) of this section may compel access to the records in the manner provided in ORS 432.130.

[Amended by 1959 c.629 §34]

146.115 Deaths to be reported by hospitals, asylums and institutions. Every superintendent, manager, physician, nurse or other person having the supervision of any public, quasi-public, charitable or private institution, the object of which is to care for the sick, indigent, mentally ill, aged or helpless, shall report any death occurring within the institution under their jurisdiction within three hours after such death to the coroner, except the natural death of a person who has been hospitalized more than 24 hours immediately prior to his or her death in a licensed hospital, other than a hospital operated by the state or any political subdivision of the state, and where a duly licensed physician determines the cause of death and signs the death certificate.
[Amended by 1955 c.190 §1]

146.120 Right to enter or close premises; custodian. (1) For the purpose of determining the cause of the death of any person as provided in ORS 146.110, the coroner or his lawfully authorized deputy, or both, may enter any room, dwelling, building or inclosure in which the body may be found or in which any of the circumstances surrounding the death of such person may have transpired. For the purpose of preserving evidence until an inquest has been held as to the death of any human being, a coroner may lock or close any room, house, dwelling or inclosure and may appoint for a period not to exceed five days a custodian of such premises who shall have the authority of a deputy sheriff and who shall take oath, which shall be administered by the coroner or his lawfully authorized deputy, as follows: "I do hereby solemnly swear that as to the premises over which I have been appointed custodian, and which are described as follows (define premises), I will preserve the same free from trespass and inviolate until relieved by the coroner, so help me God."

(2) No such custodian shall negligently or wilfully suffer a violation or trespass of the premises over which he is custodian.
[Amended by 1959 c.629 §35]

146.130 Roping-off open area to preserve evidence. (1) For the purpose of protecting evidence, as mentioned in ORS 146.120, if the death of any human being has occurred in the open and not within any building, tent or other premises, the coroner may forbid the entrance of any person, except peace officers and district attorneys, into any specified, roped-off or defined area bearing any marks, imprints or other evidence of the manner of the death of the human being.

(2) No person shall violate or trespass upon any such designated area.
[Amended by 1959 c.629 §36]

146.140 Removal of body, effects or weapons without coroner's consent prohibited. No body of any person shall be removed from the place where the death requiring investigation occurred without the permission of the coroner having been first obtained. No person shall remove any of the effects, personal property, instruments or weapons used in the death requiring investigation until permitted so to do by the coroner.

[Amended by 1959 c.629 §37]

146.150 Summoning jury of inquest. (1) When it becomes the duty of a coroner to make the inquiry mentioned in ORS 146.110, he shall go to the place where the dead person is and forthwith summon a jury of inquest to appear before him forthwith at a specified place to inquire into the cause of the death.

(2) If the office of coroner is vacant or if the coroner for any reason is unable to act or is absent from the county, any justice of the peace of the county is authorized and required to perform the duties hereby required of the coroner.

[Amended by 1959 c.629 §38]

146.160 Swearing of jurors. When the six jurors appear, they shall be sworn by the coroner to:

(1) Inquire into who the person was, when and where and by what means he came to his death, and what the circumstances attending the death were; and

(2) Give a true verdict thereon according to the evidence offered to them or arising from the inspection of the body.

[Amended by 1959 c.629 §39]

146.170 Witnesses; disobedience of coroner's order or process. (1) The coroner shall subpoena and examine as witnesses every person who in his opinion has any knowledge of the material facts.

(2) No person shall fail or refuse to obey the orders or processes of any coroner or fail to assist in determining facts or apprehending persons found by inquest or examination to be guilty of a crime concerning a death.

[Amended by 1955 c.161 §1; 1959 c.629 §40]

146.180 Power of coroner over witnesses. For the purpose of subpoenaing witnesses, compelling them to attend and testify, and punishing them for disobedience, a coroner is to be deemed a magistrate, with the power and authority in that respect specified in ORS 139.010 to 139.130.

146.190 Form and contents of verdict. When the examination is closed, the jury shall give its verdict as provided in ORS 10.820, in writing and signed by its members, setting forth, so far as it knows or has good reason to believe, who the dead person is; when, where and by what means he came to his death; and whether any person, and who, is guilty of a crime thereby.

[Amended by 1959 c.629 §41]

146.200 Testimony to be reduced to writing; verdict to be delivered to coroner. The testimony of the witnesses shall be reduced to writing by the coroner or under his direction and the verdict of the jury delivered to him.

146.210 Delivery of testimony and verdict to magistrate or clerk. (1) If the jury finds that a crime was committed in causing the death, the coroner shall forthwith deliver the testimony and verdict to a magistrate of the county authorized to issue a warrant of arrest on an information; but if the jury does not so find, he shall return the same to the clerk of the county court.

(2) If, however, the defendant is arrested before the testimony and verdict are delivered or returned as directed in subsection (1) of this section, the coroner shall deliver the same to the magistrate before whom the defendant is brought.

[Amended by 1959 c.629 §42]

146.220 Duty of magistrate to issue warrant of arrest and to hold or discharge defendant. In case the verdict and testimony are delivered before the arrest is made, if the verdict of the jury also charges a person with the commission of the crime, the magistrate to whom the same is delivered shall forthwith issue a warrant for the arrest of such person, as on an information; and when the defendant is brought before him, he shall proceed to examine the charge contained in the verdict and hold the defendant to answer or discharge him therefrom in the same manner in all respects as upon a warrant of arrest.

146.230 Burial of deceased. When a coroner holds an inquest upon the body of a stranger or pauper and no friend or relative appears to claim the body for burial, it shall be disposed of according to the provisions of ORS 97.170 to 97.210. If the coroner retains possession of the body, he shall cause it to be plainly and decently buried.

146.240 Expenses; custodian of closed premises, autopsy, inquest; burial if deceased had no money or property. (1) The coroner shall return to the county court a written statement, verified by his own oath, of the expense of any burial made by him. Except as provided in ORS 146.250, this account shall be audited and paid to the persons to whom the items thereof are due in

DUTIES OF THE CORONER (CONTINUED)

the same manner as ordinary claims against the county.

(2) The coroner, together with the district attorney, shall approve and certify to the correctness of all expenses incurred in conducting the autopsy or holding the inquest, or both, which expenses shall be paid by the county in the same manner as other bills against the county are paid.

(3) Any expense incurred in the custodianship mentioned in ORS 146.120 shall be paid by the county, upon bills verified by the coroner, in the same manner as other bills against the county are paid.

146.250 Money or property of deceased; delivery thereof to qualified claimants after payment of expenses of burying and transporting body. (1) If money or other property is found on the body or in the possession of any deceased person, the coroner shall make an inventory of it and take it into his possession. The inventory he shall verify and return to the county court with the account specified in ORS 146.240. When money or other property is found upon the body or in the possession of any deceased person referred to in ORS 146.230, the coroner shall make the inventory provided for herein in the presence of two or more witnesses, who shall attest the inventory thereof, and the coroner may pay the expenses of burying and of transporting the body to an amount not exceeding \$125 and deduct such expenses from the amount or value of the property, taking a receipt from the undertaker or other person transporting or burying the body.

(2) When a legally qualified executor, administrator, surviving spouse or next of kin claims the body or property of the deceased, if the county has incurred no expenses in connection therewith, the coroner may deliver the money and property of the deceased person to such legally qualified person.

[Amended by 1953 c.568 §3]

146.260 Transfer to county and disposition of unclaimed money or property of deceased after deduction of expenses. (1) After the deductions mentioned in subsection (1) of ORS 146.250 have been made, the coroner, within 30 days from the date of the inquest, if any is held, or from the date of death of such person, if no inquest was held, shall deliver the money remaining to the county treasurer; and if he fails so to do, the

treasurer shall proceed against him for its recovery by a civil action in the name of the county. Any property other than money remaining in his possession shall be delivered by the coroner within such period to the county court or board of county commissioners of the county.

(2) Upon the delivery of money to the treasurer, he shall place it to the credit of the county. Upon the delivery of property other than money to the county court or board of county commissioners of the county, if it is of any value, the court or board shall order it to be sold as upon execution and, after deducting the expenses of sale, the proceeds thereof shall be delivered to the county treasurer and by him placed to the credit of the county. Property which in the judgment of the county court or board of county commissioners is of no value shall be destroyed upon the order and under the supervision of the board or court.

[Amended by 1953 c.568 §3]

146.270 Payment by treasurer to representatives of deceased. If the money in the treasury is claimed by the legal representatives of the deceased within six years from the date of the deposit thereof, upon satisfactory proof that the claimants are such representatives, the county court shall order the money to be paid to the claimants.

146.280 Deduction of expenses of county. Before making the order provided for in ORS 146.270, the county court shall deduct from the amount deposited in the treasury all the expenses incurred by the county in relation to the matter and direct the remainder, if any, to be paid.

146.290 to 146.400 [Reserved for expansion]

(Counties other than Multnomah County)

146.410 Counties to which ORS 146.410 to 146.610 apply. ORS 146.410 to 146.610 shall apply to every county which has a population of less than 400,000 persons according to the latest federal decennial census and in which the office of a coroner elected or appointed before January 1, 1961, becomes vacant or the coroner completes the term of office for which he was elected or appointed.

[1959 c.629 §6]

146.420 County or district medical investigator; peace officer as deputy; assistant medical investigator. (1) The county or district health officer shall be the county or

district medical investigator for that county or district.

(2) The medical investigator shall appoint one or more peace officers as his deputy or deputies to assist him.

(3) Subject to the approval of the county or district board of health, the medical investigator shall appoint one or more assistant medical investigators who shall as authorized by the medical investigator assist him in carrying out the functions of his office. In those instances where there is only one assistant medical investigator, he shall be acting medical investigator in place of the medical investigator if the medical investigator is unavailable or is not able to act, or in the event his office becomes vacant. Where more than one assistant medical investigator is appointed, the medical investigator shall designate one of the assistant medical investigators to be acting medical investigator in his place at such times as the medical investigator is not available or is not able to act or in the event that his office becomes vacant. The medical investigator shall inform the Chief Medical Investigator in writing as to the name of the assistant medical investigator so designated under the provisions of this section. The assistant medical investigators shall possess the qualifications of the medical investigator.

(4) If the medical investigator and the assistant medical investigator who is to act in his place as provided in subsection (3) of this section, are absent or unable to act or a vacancy exists in the offices of the medical investigator and assistant medical investigator, the Chief Medical Investigator may act in their place, or may appoint a temporary medical investigator until either of them returns, is able to act or the vacancy is filled.

[1959 c.629 §9; 1963 c.98 §1]

146.430 Medical investigator to report deaths to district attorney; supervision over investigations. (1) When the medical investigator is informed or ascertains that there is a death requiring investigation, he shall immediately report the matter to the district attorney of the county in which the death occurred.

(2) Death investigations shall be under the control and direction of the medical investigator and the district attorney.

[1959 c.629 §11; 1961 c.434 §3]

146.440 Deaths to be reported to medical investigator. Every superintendent, manager, physician, nurse or other person having the supervision of any public, quasi-public, charitable or private institution, the object of which is to care for the sick, indigent, mentally ill, aged or helpless, shall cooperate with the medical investigators. These officials and all peace officers, district attorneys, physicians, undertakers, embalmers and other persons shall promptly notify the medical investigator or one of his deputies of the county or district in which the death occurred of all unreported or uncertified deaths requiring investigation, or previously certified deaths requiring further investigation which come to their attention.

[1959 c.629 §12]

146.450 Right to enter or close premises.

(1) The medical investigator or any of his deputies may enter any room, dwelling, building or other place in which the body or evidence of the circumstances of the death requiring investigation may be found.

(2) To preserve evidence, the medical investigator or any of his deputies may take under their custody and close or lock any room, dwelling, building or other inclosure for a period of not more than five days.

(3) If a death requiring investigation occurs in the open, the medical investigator or any of his deputies may rope off or otherwise specify any area in which they consider it necessary to preserve evidence.

(4) The medical investigator or any of his deputies may forbid the entrance of any person, except peace officers and district attorneys, into the areas specified under subsection (2) or (3) of this section.

(5) No unauthorized person shall trespass upon the areas specified in subsection (2) or (3) of this section.

[1959 c.629 §13]

146.460 Removal of body, effects or weapons without consent prohibited. No body of any person shall be removed from the place where the death requiring investigation occurred without the permission of the medical investigator, his deputy or the district attorney having been first obtained; provided, the body shall not be removed if the medical investigator or district attorney objects. No person shall remove any of the effects of the deceased, or instruments or weapons used in the death requiring investigation, until permitted to do so by the medical investigator and district attorney.

[1959 c.629 §14]

DUTIES OF THE CORONER (CONTINUED)

146.470 Post-mortem examination and inquest; pathologist to perform post-mortem examination. The medical investigator or district attorney may order a post-mortem examination, and the district attorney may order an inquest, to be held in the case of a death requiring investigation. If a post-mortem examination is ordered, the medical investigator shall obtain the services of a pathologist who is listed by the Chief Medical Investigator, to perform the post-mortem examination. However, the Chief Medical Investigator, or, if he is a pathologist, the medical investigator, may perform the post-mortem examination. Neither the Chief Medical Investigator nor any county or district health officer or other physician in the capacity of medical investigator, may receive additional compensation for performing the post-mortem examination.
[1959 c.629 §15; 1961 c.434 §4]

146.480 Summoning jury of inquest. When an inquest is ordered the district attorney shall immediately summon a jury of inquest to appear before him at a specified place to inquire into the cause of death.
[1959 c.629 §17]

146.490 Swearing of jurors. When the six jurors appear, they shall be sworn by the district attorney to:

(1) Inquire into who the person was, when and where and by what means he came to his death and what the circumstances attending the death were; and

(2) Give a true verdict thereon according to the evidence offered to them or arising from the inspection of the body.
[1959 c.629 §18]

146.500 Witnesses; disobedience of district attorney's order or process. (1) The district attorney shall subpoena and examine as witnesses every person who in his opinion has any knowledge of the material facts.

(2) No person shall fail or refuse to obey the orders or processes of any district attorney or fail to assist in determining facts or apprehending persons found by inquest or examination to be guilty of a crime concerning a death.
[1959 c.629 §19]

146.510 Power of district attorney over witnesses. For the purpose of subpoenaing witnesses, compelling them to attend and testify and punishing them for disobedience,

a district attorney is to be deemed a magistrate, with the power and authority in that respect specified in ORS 139.010 to 139.130.
[1959 c.629 §20]

146.520 Form and contents of verdict. When the examination is closed, the jury shall give its verdict as provided in ORS 10.820, in writing and signed by its members, setting forth, so far as it knows or has good reason to believe who the dead person is; when, where and by what means he came to his death; and whether any person, and who, is guilty of a crime thereby.
[1959 c.629 §21]

146.530 Testimony to be reduced to writing; verdict to be delivered to district attorney. The testimony of the witnesses shall be reduced to writing by the district attorney or under his direction and the verdict of the jury delivered to him.
[1959 c.629 §22]

146.540 Delivery of testimony and verdict to magistrate or clerk; report of district attorney. (1) If the jury finds that a crime was committed in causing the death, the district attorney shall immediately deliver the testimony and verdict to a magistrate of the county authorized to issue a warrant of arrest on an information; but if the jury does not so find, he shall return the same to the clerk of the county court.

(2) If, however, the defendant is arrested before the testimony and verdict are delivered or returned as directed in subsection (1) of this section, the district attorney shall deliver the same to the magistrate before whom the defendant is brought.

(3) The district attorney shall make a written report containing the findings that result from holding an inquest. This report shall be on forms provided by the Chief Medical Investigator. A copy of the report shall be sent to the Chief Medical Investigator.
[1959 c.629 §23]

146.550 Duty of magistrate to issue warrant of arrest and to hold or discharge defendant. In case the verdict and testimony are delivered before the arrest is made, if the verdict of the jury also charges a person with the commission of the crime, the magistrate to whom the same is delivered shall forthwith issue a warrant for the arrest of such person, as on an information; and when the defendant is brought before him, he shall proceed to examine the charge contained in

DUTIES OF THE CORONER (CONTINUED)

the verdict and hold the defendant to answer or discharge him therefrom in the same manner in all respects as upon a warrant of arrest.

[1959 c.629 §24]

146.560 Report of investigation. (1) The medical investigator shall make a written report containing the findings that result from his investigation of a death requiring investigation. This report shall be on forms provided by the Chief Medical Investigator. A copy of the report shall immediately be sent to the Chief Medical Investigator and, if further investigation is considered advisable, to the district attorney of the county in which the death occurred. The district attorney may request and secure copies of these reports.

(2) Any person who is refused an inspection of the records provided for in subsection (1) of this section may compel access to the records in the manner provided in ORS 432.130.

[1959 c.629 §25]

146.565 Certification of expenses of investigation; payment of expenses, including burial expenses. The medical investigator, together with the district attorney, shall approve and certify to the correctness of all expenses incurred while investigating a death requiring investigation. These expenses and any burial expenses, incurred under ORS 146.570, shall be paid by the county in the same manner as other bills against the county are paid, except that one-half the cost of a post-mortem examination ordered under ORS 146.470 shall be paid by the state from funds appropriated for such purpose.

[1961 c.434 §2]

146.570 Burial of deceased. When a medical investigator investigates the death of a stranger or pauper and no friend or relative appears to claim the body for burial, the sheriff shall dispose of the body according to the provisions of ORS 97.170 to 97.210. If the sheriff retains possession of the body, he shall cause it to be plainly and decently buried.

[1959 c.629 §26]

146.580 Sheriff's statement of burial expenses. The sheriff shall return to the county court or board of county commissioners a written statement, verified by his own oath, of the expense of any burial made by him under ORS 146.570.

[1959 c.629 §27; 1961 c.434 §5]

146.590 Disposition of money and property of deceased. (1) When the sheriff of the county in which the death occurred takes possession of a body under ORS 146.570, he shall make separate inventories of the money and other personal property found on the body or in the possession of the deceased and after receiving permission from the medical investigator and district attorney shall take such property into his possession. He shall verify the inventories and return the money and inventory thereof to the county treasurer and the other property and inventory thereof to the county court or board of county commissioners. The medical investigator or district attorney may thereafter obtain temporary possession of any property which, in his opinion, is useful in establishing the cause of death or is to be used in further proceedings.

(2) Upon the delivery of money to the treasurer, he shall place it to the credit of the county. Upon the delivery of other personal property to the county court or board of county commissioners of the county, if it is of any value, and not earlier than 30 days from the date of inquest, if any, or from the date of death, the court or board shall order it to be sold as upon execution. After deducting the expenses of sale, the proceeds thereof shall be delivered to the county treasurer and by him placed to the credit of the county. Property which in the judgment of the county court or board of county commissioners is of no value shall be destroyed upon the order and under the supervision of the board or court.

(3) When a legally qualified executor, administrator, surviving spouse or next of kin claims the money or other personal property within 30 days from the date of inquest, if any, or from the date of death, the treasurer shall deliver the money of the deceased person to this legally qualified person, and the county court or board of county commissioners shall deliver the other personal property of the deceased to this legally qualified person. Any expenses incurred in burying the body may be deducted from the amount of money or value of the other personal property.

[1959 c.629 §§28, 29; 1961 c.434 §6]

146.600 Claim upon money of deceased by legal representative. If the money in the treasury is claimed by the legal representative of the deceased within seven years from the date of the deposit thereof, upon satisfactory proof that the claimants are such

representatives, the county court or board of county commissioners shall order the money to be paid to the claimants. If the money is not claimed within seven years and is presumed abandoned under ORS 98.336, the court or board shall order the money to be paid as required by law.
[1959 c.629 §30]

146.610 Deduction of expenses of county. Before making an order provided for in ORS 146.600, the county court or board of county commissioners shall deduct from the amount deposited in the treasury all the expenses incurred by the county in relation to the matter and direct the remainder, if any, to be paid.
[1959 c.629 §31]

146.620 to 146.700 [Reserved for expansion]

INVESTIGATIONS OF INJURIES

146.710 Definition for ORS 146.710 to 146.740. As used in ORS 146.710 to 146.740 "injury" means:

- (1) A physical injury caused by a knife, gun, pistol or other deadly weapon; or
- (2) Any physical injury to a child of the age of 12 or under caused by blows, beatings, physical violence or abuse where there is some cause to believe that such physical injury was intentionally or wantonly inflicted.
[1963 c.621 §1]

146.720 Injuries to be reported to coroner or medical examiner. (1) Every superintendent, manager, physician, nurse or other person having the supervision of any public, quasi-public, charitable or private institution, the object of which is to treat the injured or care for the sick, and any practitioner of any healing art licensed in this state shall promptly report any injury treated at such institution or by such practitioner to the appropriate coroner or medical investigator.

(2) All peace officers shall promptly notify the coroner, medical investigator or one of their respective deputies of any injury requiring investigation under ORS 146.730, which comes to their attention.
[1963 c.621 §§3, 4]

146.730 Investigation. An investigation of an injury may be made by a coroner or medical investigator whenever the injury occurred under suspicious or unknown circumstances. All authority granted to the coroner or medical investigator by ORS 146.005 to 146.070, 146.105 to 146.280 and 146.410 to 146.610 may be exercised in making such investigation.
[1963 c.621 §2]

146.740 Reports of coroner or medical investigator. (1) Whenever the coroner or medical investigator concludes that a crime may have been committed by any person in causing the injury, he shall report his conclusion to the district attorney.

(2) Whenever the coroner or medical investigator finds that the injury was to a child of the age of 12 or under and that it was caused in a manner which could place the child under the jurisdiction of the juvenile court, he shall report the circumstances of the injury to the juvenile court.
[1963 c.621 §§5, 6]

PENALTIES

146.990 Penalties. (1) Violation of ORS 146.115, subsection (2) of 146.120, subsection (2) of 146.130, ORS 146.140 or subsection (2) of 146.170 is punishable upon conviction by a fine not exceeding \$500 or by imprisonment in the county jail for a period not exceeding six months, or both.

(2) Violation of ORS 146.440, subsection (5) of 146.450, ORS 146.460 or subsection (2) of 146.500, is punishable upon conviction by a fine not exceeding \$500 or by imprisonment in the county jail for a period not exceeding six months, or both.

(3) The wilful failure to report an injury, as defined in ORS 146.710, the wilful failure to assist in determining facts pertinent to the injury or the refusal to obey the orders or processes of any coroner or medical investigator conducting an investigation under the provisions of ORS 146.710 to 146.740 shall be a misdemeanor.

[Subsection (2) enacted as 1959 c.629 §45; subsection (3) enacted as 1963 c.621 §7]

DR. ^{W.M.}~~JAMES~~ BRADY, CORONER, REMARKS TO HOME RULE CHARTER COMMITTEE
FEBRUARY 3, 1965

I have given you an outline of what I am going to cover. What I hope to do is go through the outline and talk about specific instances covering the things I have mentioned.

First of all, I would like to thank Mr. Merrell and the Committee for inviting me up here. I consider it a privilege. I am new in county government, and I feel very flattered that you would ask me what I think about the office I hold. I hope I can give you some information that will be worthwhile. Also I would like to make clear that my comments here are directed solely and entirely to the office of the Coroner, and the fact that I don't think a Coroner should be elected does not mean that I feel competent to pass any judgement on whether any other office should or should not be elective. I do not want to be in the position of having to criticize other departments.

I ended up in this particular position because I enjoy medical legal work and have had a great deal of training in it on the East Coast. I had a number of offers of work in medical examiners offices elsewhere in the country. I am one of these people who likes to live in Portland, I want to raise my family here. I feel that I owe Portland something.

Your first question on the major statutory responsibility: I investigate deaths and I safeguard valuables recovered from the deceased.

Policy decisions? I have none. I decide a few things that go on in the office. I try to be of service to people who ask for my services and help them in any way that I can.

Relations with the County Commissioners? They control me completely. My budget comes solely, entirely, and totally from the Board of County Commissioners. And, as I learned immediately upon coming into office, I can do no more or no less than they want me to. I am controlled completely by them.

Combining functions? There are various ways of handling death investigation in different municipalities in counties across the county. I have visited many of these. I am familiar with offices in about 8 or 10 of the major cities, and I know the men who run the offices. I have worked in a great many of these. I think in my particular specialty I can speak with some authority. Many of these are under the Department of Public Health, some of them are integrated with the sheriff's office, or the district attorney, and many of us are independent offices. Everybody here I am sure wants to be independent. They all want to run their own offices. This is true of myself, too, but it has been my experience that the man who is responsible for the death investigation, the one that has to go out and do the work, do the autopsy, the person that has to meet the day in and day out problems is in the best position to have administrative control of the office. I think it would be an extremely poor change if our office were to be tossed into Public Health, for example, where we were simply controlled by an administrator as to what we could or couldn't do. In this way we would go to the Director of Public Health, and he would say, "Well, I have 18 other departments to worry about." I think the opportunity to actually go to the budget authority is one that I value very highly. They have been very good to me in the way of equipment, and I think short lines of authority and responsibility should be had.

On combining of functions? We have a budget of \$108,000 which I hope to reduce this time. We have some excess money. We do not have a great deal of functions that could be combined so that we could save a lot of money. We have 5 deputies - we need these 5 men. We have 2 secretaries. Somebody offered me a third when I came in, but there wasn't enough to do. The 2 could probably do a little paperwork for someone else. Our janitor helps the Surveyor up in his office, so we share him. Beyond that, there is not much else we can combine. I think we are down to rock bottom there.

Should the Coroner be elected? No. No, he should not. A coroner should not be elected, although, I don't know what Anderson says about it. This position in modern society requires somebody who is experienced in doing medical legal autopsies which is what I do for a living. There are a lot of pathologists around town who will not do medical legal autopsies. Doctors don't generally do autopsies, so like many other things in this complex society, we are learning more and more about less and less. We'll probably end up knowing all about nothing. I have been very highly trained. I am not against elections, but I do not think running two forensic pathologists against each other on a Democratic and Republican ticket is any way to run a government. I would like to get a little more serious here. I just went through an election, an extremely expensive, hard fought, troublesome election. I had some experiences in that which I think should be of interest to you. I got out a little handbook on how to be elected. I sat down a couple of evenings and read, and it had a lot of advice. There was one little chapter on financing the election campaign. It was only a small little chapter, but you can throw the rest of the book away. This is all you have to know. Campaigns cost money. They cost a lot of money. Now, where does the money come from. Statutes limit you to some figure, I think it is 15% of your salary. I get \$7,000 per year, so 15% of that would not give me very much. So, the first thing you do is go out and look for friends to give you money. There are two ways you can get the money. Either you can cough it up yourself, or you can do as a lot of people who have run for office have done in the past, you can expect to make the costs from the salary. Or you can run a full time outside practice, never go to the office, which many coroners have done. If you have to work, you need more money. So, you go around to see how you are going to get it. The coroner's office presents one duece of a good opportunity to get the rest of the money. You can manage estates. Anytime somebody dies who doesn't have any relatives or didn't leave a will, the coroner simply goes to the court and asks to be appointed state administrator. He gets a fee for this. Funeral directors are extremely anxious to bury people for money. They will offer consideration for directing money their way. This is common knowledge. Funeral directors even admit it. If you send all your funerals to one funeral director, arrangements can be made. Or you can handle the deceased's cash. I will never suggest that at any time any coroner has ever taken money from a deceased body; however, the opportunity is appalling. I have seen more \$100 bills in the time that I have been in office than I ever knew existed. It is astonishing. Lots of us don't have money. I don't have money, but for some reason people that die have money. You take out billfolds that are stuffed with cash. It is a little discouraging. I have seen \$700 sitting out there on the table. I don't see that much in a months time.

OK. So, the first thing I learned from my little handbook of practical politics which is still sitting up on the shelf was one little aproposism which is truer than anything else I have ever heard, "In campaign donations you will get coppers from your friends, you will get silver from the people opposing your opponents, you will get gold from people who want something from you". Oh boy, is this true.

We thought the physicians in town would help us out. We spent \$160 to ask all the physicians for help in my campaign for the Coroner's office. We just about broke even. We have pathologists in town who were extremely generous. These men knew of the problems of the Coroner's office. If it had not been for these men digging down into their pockets, I would not be here today. Then the funeral directors came in. The money really started to roll in. I told every one of them when they gave me these checks that they would get nothing for it except honesty. I thought they all believed me. Then I got into office. They didn't! They didn't believe me. They came around asking me for favors. They thought they could buy an office with their contributions. Some of them still think so. This is giving me problems. I have to look people in the face who have given me hundreds of dollars worth of cash and say, "No, I won't do this." They say, "Now, wait a minute, Doctor." I say, "No!" But what if I had to run for office again? Too many possibilities of favoritism exist in the Coroner's office. Finally as far as I am concerned, the problems of running for the Coroner's office on a partisan basis are unacceptable. The County Commissioners look upon me not as a forensic pathologist who is a qualified man in doing medical legal work for the county. If I had taken one of the other numerous positions I had an opportunity to take (I think I should have), the County Commissioners would have looked upon me as a specialist that they had gone out and contacted. I would have had a specific job to do, and they would have looked at it that way. The County Commissioners now look on me as "that young democrat that got 130,000 votes".

COUNTY OF MULTNOMAH

OFFICE OF THE CORONER
303 S. W. CLAY STREET
PORTLAND, OREGON 97201

WILLIAM J. BRADY, M. D.
PATHOLOGIST-CORONER

January 29, 1965

Home Rule Charter Committee
of
Multnomah County
384 Multnomah County Courthouse
1021 S. W. Fourth Avenue
Portland, Oregon

Attention: W.C. Merrell, Executive Secretary

Gentlemen:

In reply to your letter of January 19, 1965, I hope the following information will help you.

1. Major statutory responsibility.

These are two in the order of importance.

First, the investigation of deaths due to unnatural or undetermined causes.

Second, safeguarding the valuables of deceased persons where necessary.

2. Policy-making decisions.

Administrative decisions relating to functions in our office are my only policy-making activities. Examples would be investigative procedures, routines of case investigations, etc.

3. Relations with County Commissioners.

This mainly is one of budgetary control by the Commission. It results in very close control of our activities by the Board of Commissioners.

4. Combining functions.

Various Counties across the country combine our

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Page 2.

Home Rule Charter Committee of Multnomah County

4. Combining functions, continued--

functions in the office of the District Attorney, the Sheriff, or the Public Health Department. Many of these combinations are successful, but my experience has been that the person basically responsible for death investigation--the Forensic Pathologist--should also have administrative control of his office. His problems are unique in County or State Government and are best solved by direct and short lines of authority and responsibility. With these combinations, functioning of the office could prove either more or less efficient but costs would not be significantly affected.

5. My position should be appointive and under no circumstances be elective.

Reason.

- A. The position requires qualifications in excess of an M.D. Degree, and these are best determined by means other than a popular vote.
- B. County-wide elections are expensive and, even in the best cases, cause 30 to 40% of the people to declare themselves against you.

1. Finances.

Financing must come from personal resources for outside contributions.

- a. If personal resources are used either the candidate is wealthy, which limits the field, or he expects to make his costs from the salary (a low one), or fringe benefits--estate managements, Funeral Director rebates, or handling deceased's cash.

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Page 3.

Home Rule Charter Committee of Multnomah County

1. Financing, continued--

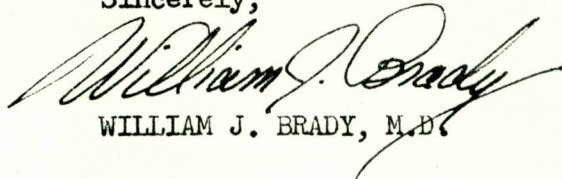
- b. If outside contributions come they result, overwhelmingly, from people who want something--either your opponent's defeat, or favors, or changes from you. In a Coroner's Office too many possibilities for favoritism exist to ignore the problems of campaign donations. These possibilities are selections of funeral homes, estate management and a disposal of deceased's effects.

I suggest these responsibilities be placed in a Public Administrator directly responsible to the highest level of County government.

2. Forcing the candidate to represent a single political party undoubtedly influences some members of the opposite party in their relations with the candidate. This works to the disservice of almost everyone involved.

I shall be glad to give examples of my problems and answer questions at our meeting. Thank you very much.

Sincerely,


WILLIAM J. BRADY, M.D.

WJB:bw

II-6-19

QUESTIONS ASKED OF DR. ^{Wm}~~JAMES~~ BRADY, CORONER, BY THE HOME RULE CHARTER
COMMITTEE, FEBRUARY 3, 1965

Mr. Stephenson: You are a fresh breeze, Dr. Brady, and it is a pleasure to hear you. May I ask a question? The function of administrator of the estates of the deceased given to your office by the courts through statute for a set fee; should that money not go into the public till and some certain label such as Public Administrator be attached so that that particular source of income to the coroner should be eliminated?

A. By all means, Mr. Stephenson. In the strongest possible terms I would suggest the appointment of a public administrator. I might suggest here, please realize that my office is probably going to be abolished. I think we have a favorable probability of getting our bill through. Then under the State Medical Examiner System, the management of estates will be the responsibility of the sheriff's office by the state statute. This thing is just too (unintelligible). Everytime I get one of these estates I sit down and write a letter to (unintelligible) and say, "Please appoint somebody. You appoint somebody to administer this probate. Get it out of my hands." I think a public administrator, someone with banking and financial experience, who knows how to handle this sort of thing, should be in a position to handle it. This is the way it is done in New York City where I previously worked. To my knowledge it worked extremely satisfactorily. I think this is an excellent idea.

Mrs. Damskov: You say that you can do no more or no less than the County Commissioners allow you to do. Don't you feel that since you were elected by 130,000 people, you have a mandate to these people to do what you want to do?

A. Yes, but I can't get the money to do it. I asked for equipment. The equipment in the coroner's office was completely outdated. We were operating with antiquated equipment and antiquated methods. I asked for some up to date modern equipment. I also asked for permission to do autopsies. I wanted to do ten autopsies a month and to be paid for it. The equipment, they were extremely generous with - they gave me the equipment. I might add that this was not a unanimous decision of the Board. But they would not pay me for doing the autopsies. The autopsy budget is now extinct. (unintelligible) I said, "If you won't pay me for doing autopsies, maybe we should continue having a private pathologist do them." They said, "No, if a private pathologist does the autopsies, then you don't need your equipment. If you want to do the autopsies, then we will give you the equipment." (unintelligible)...so I took the equipment. Senator Mahoney has a bill in the legislature (unintelligible)...

The County Commissioners look at the budget. This is as they should. I am a taxpayer. I am all in favor of saving money. They should save money all the way down the line, but they control you lock, stock, and barrel. I shouldn't say I can't do anything. I came into the office. I think I pepped it up - put a little spirit into it. We eliminated a lot of papers. We are getting rid of a lot of trash filling the walls and the bottom of the coroner's office. Sure, if you want to go in and work with the people and put a little spirit in the office, you can do it. These things you can do, but as far as sitting down and really doing things, the County Commissioners have you.

Mr. Brunner: At the present time your office is still in existence, so you still function basically as coroners have in the past. I refer to money which deceased have on them. A very short time ago there was a problem in the coroner's office, a grand jury indictment, etc. of an individual who was under a previous coroner's authority. Have you done anything to solve that problem, tightening up the reins, so that it won't happen again?

A. What you are referring to is when one of our deputies stole all the money from the locker room. There were hundreds and hundreds of dollars stuck in the closet, and everybody had a key to the closet. The answer there is simply don't put cash in the locker room. Everytime cash comes into the office now, I tell them to take it down to the treasurer's office. But these are simple little common sense items.

Mr. Brunner: If the bill should pass and your office should become an appointive rather than an elective one, would you, as a doctor and one who is interested in improving the standards of this type of work in this office, be interested in remaining with the county as an employee who is appointed.

A. Yes. I would. I would like very much to get the appointment. This is no secret. I would be delighted. The job is very interesting. It isn't well paid, but there are a lot of things that are satisfying - more satisfying than money. I would be delighted to stay in the office. There are a lot of ways you can help. You can help people who don't have families.

Mr. Stephenson: This bill will put the office under the Department of Health. Will the power then lie with someone in that department?

A. The State Medical Investigator System at the present time is an office within the Office of the State Public Health Department. If the office were abolished in Multnomah County under the legislation we have written, the county officer would be appointed by the Chief Medical Investigator within the State Board of Health. I have no quarrel with the State Board of Health. My references to the Board of Health were more directed toward the possibility that if the legislation is defeated and the office was thrown back to this committee to determine what to do with the coroner's office, you would abolish it, I hope, and toss it in with someone else. I would like to be in with the sheriff and the district attorney rather than with the public health department. If your question was, where would I go under this legislation, I would go under the State Department of Health.

Mr. Stephenson: The qualifications for your office as they exist today? Is it necessary to tighten them up in any way under a new bill? The coroner has to be a medical doctor, doesn't he?

A. No, sir. In the spring primary Dr. O'Toole was opposed by the wife of a cabaret owner. I was opposed by a gentlemen who sold cemetery lots. He campaigned on the platform of reorganizing the coroner's office to abolish the control the doctors had of the office. He got 10,000 votes. Need I say more about this?

Mr. Stephenson: You have said it!

Mr. Sonderen: In your experience in the coroner's office, could you give the committee any suggestions as to functions you are required to perform in that office that could better be performed by some other department in county

Government?

A. In the bill that we hope to introduce, we separate the death investigation function from our office and put this in the medical investigator's which is, I think, where it belongs. Then you are faced with the two other problems which we handle now. One is the safeguarding of the deceased's affects which under the state system would go to the sheriff. The other would be the problem which Mr. Stephenson discussed of appointing a public administrator to handle the estates. My suggestion would hold that a public administrator be appointed to handle this problem of estate administration and tie it in with the courts. As to the safeguarding of the deceased's affects, this is a toughy. It is really tough to keep boys honest all the time. You mentioned the problem of the boys feeling that they can't come into the office. What happened there was that when someone is found dead in a room, one person goes up to that room alone (it happens, you just can't get around it) with the body and the wallet and the money and one person comes out and shows you the wallet and says there was \$736 cash in there. You have no earthly way of knowing whether there was \$700 or \$1700 except that person's honesty and integrity. I feel this function should be a police department function, closely supervised. The way we did it in New York was that the body searching had to be done by a uniformed patrol officer in the precinct sergeant and another person. You just can't get too many people in as cross checks. I had a situation happen last week where we went out to the body of a deceased out in the far southeast side and we counted out the money. I counted out \$80, gave it to my deputy who counted it, and gave it to another gentlemen who counted it and said, "\$20 here, huh?" He was joking, but he might not have been joking.

Mr. Sonderen: Doctor, assuming that this bill did not pass the legislature, would you have any suggestions as to how certain functions of your office should be placed, or are there any other offices in the county that are handling certain functions which you feel should be handled by the coroner?

A. No. I don't feel that we should get anymore. I'd like to see a county medical investigator office directly under the County Commissioners.

Mr. Fitzgerald: This law that is in the legislature now. Is this one of these that states, "...in counties over 300,000 population" or is this one that, if passed, would apply to all 36 counties?

A. No, sir. If this one is passed, it will apply solely to Multnomah County. Our legislation is in no way intended to affect the already existing system in the rest of the state. In other words, the entire State of Oregon works under a medical investigator system and the legislation that I have requested doesn't affect that system at all. The legislation applies specifically to Multnomah County. What the legislation does is abolish this office that I have and put it into the state system.

Mr. Fitzgerald: Are there no other coroners in Oregon?

A. No, sir. I am the last of a dying breed. I am the only coroner in Oregon.

Mr. Birnie: What happens to the coroner's inquest?

A. The coroner's inquest is held only if the district attorney in a given county allows the coroner to do this. George Van Hoomissen has told me that as long as he is District Attorney, there will never be a coroner's inquest held. This is fine with me.

Mr. Birnie: There is a statutory procedure for a coroner's inquest. Now if the district attorney should decide to dust it off and use it, how would this bill that you are speaking of in the legislature affect the inquest?

A. Under the Medical Investigator System which exists in all other counties except Multnomah, the inquest is held by the district attorney. The district attorney can do two things. Either he can hold an inquest or he can refer the case to the grand jury. A lot of district attorneys are still holding inquests, and at the inquest determining the verdict of suspicious or not. Then they have to take it to the grand jury.

Mr. Stephenson: Does the district attorney in Multnomah County conduct inquests?

A. No, he does not. I don't think he could. I think I would be the only one that could.

Mr. McCallum: Dr. Brady, you mentioned an excess of money. What is the extent of this excess of money that you mentioned?

A. Well, you get in the habit of asking for the same thing in the budget year after year. You put in say \$700 for printing. We haven't done \$700 worth of printing in I don't know how many years, but the next year you say "Well, how much did we get for printing last year?" So, you put \$700 again this year. You can just move on down the list. They keep giving you the same thing year after year. I am afraid people get kind of in a habit. They say, "Now Doctor, don't cut that because you just can't tell if we might need it."

Mr. McCallum: Have you submitted your budget yet?

A. Not until February 15th. I can't promise a great deal of reduction. I have \$87,000 in salaries and my total budget is \$108,000. Since we are not doing autopsies anymore, this would be about \$103,000. So I have about \$13,000 to play around with. I think I can trim that. Someone else with say a million dollar budget could reduce it by 10% and save the county \$100,000, and I could only save the county around \$2,000 or \$3,000, but that represents a lot of real close grinding. I think the taxpayers deserve that.

Mr. McCallum: Do you mean they have allowed you \$13,000 more than you need?

A. Oh, no. I meant that my salary budget is \$87,000. All the rest of my fees, printing, cartage, burying bodies, etc. comes to about \$13,000. I think our printing budget is in excess; I think our burial budget is in excess; I think our transportation budget is about right, etc. So I think I can trim all of this a little.

Mr. McCallum: You have about \$13,000 more than you really need to spend?

A. No. There is only \$13,000 I can decide on.

Mr. McCallum: I understand.