

CHAPTER 1-7 TRIBAL CORONER CODE

1-7-1 **Purpose**

The Colville Business Council finds that the Confederated Tribes of the Colville Reservation (Colville Tribes) has a compelling interest in ensuring that deaths of tribal members, on the Reservation, be investigated in a manner that respects family members, tribal culture, religion and that the causes of Reservation deaths be accurately determined when necessary for the health and safety of the tribal community. In order to address these vital tribal interests, the Office of Tribal Coroner, initially recognized by CBC Resolution 1997-423, is hereby codified as a permanent official position of the Colville Tribes.

1-7-2 **Office of Tribal Coroner**

The Colville Business Council shall appoint a Tribal Coroner. The Tribal Coroner shall serve a term of four years. The Tribal Coroner shall be independently responsible for performance of his or her duties under this Code, and may appoint deputy coroners with the approval of the Colville Business Council.

1-7-3 **Immunity**

The Tribal Coroner or persons acting in that capacity shall be immune from civil liability for determining the cause and manner of death. The accuracy of the determination may be subject to judicial review.

1-7-4 **Tribal Coroner's scope of duties**

(a) The Tribal Coroner shall investigate all deaths in the following categories:

- (1) Violent deaths;
- (2) Deaths associated with criminal or otherwise unlawful activities;
- (3) Sudden deaths where there is no recognizable natural causes;
- (4) Unattended deaths, which means deceased persons who come to their death suddenly when in apparent good health without medical attendance within the thirty-six (36) hours preceding death;
- (5) Deaths relating to disease which might constitute a threat to public health;
- (6) Deaths of persons incarcerated or in law enforcement custody; and
- (7) Deaths under suspicious circumstances.

(b) The Tribal Coroner shall have authority over all Tribal member deaths occurring on the Colville Reservation and on lands held in trust for the Colville Tribes or its members off the Reservation. The Tribal Coroner's duties shall not be altered by removal of the body from the Reservation.

(c) The Tribal Coroner shall communicate and work cooperatively with Tribal and other relevant law enforcement agencies in carrying out the duties of Coroner as stated herein. The Colville Business Council may authorize the Tribal Coroner to be cross deputized with other jurisdictions.

(d) The Tribal Coroner may assist family members and work cooperatively with Coroners of other jurisdictions where situations involve the death of a Tribal member or members and has occurred outside the exterior boundaries of the Colville Reservation.

1-7-5 **Notice to Coroner**

All law enforcement agency officials, physicians, funeral home director's and other person's shall promptly notify the Tribal Coroner of the occurrence of all deaths coming to their attention which, under this Code, are subject to investigation by the Tribal Coroner.

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Investigation of Death

The Tribal Coroner shall take all measures necessary to determine cause of death. All law enforcement agencies operating within the boundaries of the reservation shall cooperate fully with the Tribal Coroner and shall assist in providing the Coroner prompt access to the deceased's body for purpose of carrying out Coroner duties. The Tribal Coroner, if not trained as a physician, shall seek consultation with a physician or medical examiner when necessary to determine cause of death.

In situations where law enforcement from other jurisdictions may also be involved in the death investigation, the Tribal Coroner shall also promptly notify and consult with the Coroner from the other jurisdiction regarding the death.

1-7-7

Autopsy

(a) The Tribal Coroner shall have the responsibility to determine whether an autopsy is necessary to determine the cause of death in situations covered in section 1-7-4(a). The Tribal Coroner shall consult with the decedent's family, but the Tribal Coroner shall retain sole discretion to determine whether an autopsy is necessary.

(b) If the Tribal Coroner determines that an autopsy is necessary in determine the cause of death, the Tribal Coroner shall notify and consult with the family of the individual. No autopsy shall occur prior to notification and consultation with a member of the immediate family. If the deceased has no known family, or no member of the immediate family can be located within thirty-six (36) hours of death, all attempts to locate and contact the family shall be documented. The Tribal Coroner shall then be authorized to proceed with the autopsy.

1-7-8

Cultural and Religious Accommodation

(a) In carrying out Coroner duties, the Tribal Coroner shall respect the religion and culture of the deceased, if known, and the deceased's family. The Tribal Coroner shall make every effort to communicate and share information with immediate family members and shall avoid unnecessary delays in determining the cause of death so that the body can be released to the family in a timely manner. The Tribal Coroner shall, in a manner consistent with fulfilling required duties, accommodate the immediate family's wishes in carrying out the death investigation, the examination and handling of the body.

(b) When an autopsy is determined necessary, the Tribal Coroner may, in consultation with the family and medical examiner/physician, order the least invasive procedure necessary to accurately determine cause of death.

(c) All clothing and personal items of the deceased, that are not required to be retained as evidence, shall be immediately returned to family of the deceased. All items not immediately returned shall be inventoried and such inventory shall promptly be made available to the decedent's family.

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Family Members

(a) Spouse;

(b) Adult children;

(c) Parents and grandparents;

(d) Adult brothers and sisters;

(e) Aunts and uncles; and

(f) Primary caregiver or guardian.

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Coroner's Report

(a) Upon completion of the death investigation, the Tribal Coroner shall make a written report containing the following:

- (1) Name of deceased;
- (2) Place of death;
- (3) Whether an autopsy was performed;
- (4) Cause of death;
- (5) Relevant findings related to determination of cause of death;
- (6) Inventory of property; and
- (7) Name of consulting physician.

Once the cause of death is determined, the Tribal Coroner shall promptly consult with the descendant's family.

(b) The Tribal Coroner is authorized to sign death certificates for all deaths falling within the Coroner's jurisdiction.

(c) The Tribal Coroner's reports and records shall be kept confidential and shall not be disclosed except to the following persons or entities:

- (1) The personal representative of the decedent's estate;
- (2) Family members of the deceased;
- (3) The attending physician;
- (4) Law enforcement agencies having jurisdiction;
- (5) Public Health officials, and
- (6) Pursuant to a court order or subpoena

(d) The Tribal Coroner shall maintain all death investigation reports and records for a period of not less than 10 years.

(Chapter 1-7 Adopted 2/1/01, Resolution 2001-042)
(Certified 2/2/01)