

Religious Objection to Autopsy

1116.1 PURPOSE AND SCOPE

California Government Code section 27491.43 mandates that a Coroner shall not perform an autopsy or other procedure in any case in which the Coroner has received a certificate of religious belief executed by the decedent. This policy outlines the other legal requirements of the Coroner and processes of the Coroner Division when notified of the existence of, or presented with a copy of, a certificate of religious belief.

1116.2 INITIAL NOTIFICATION

When a decedent's friend or family member notifies any member of the Coroner Division of a potential religious objection to autopsy, the member shall immediately notify the on-duty Coroner Watch Commander. In accordance with Government Code 27491.43(a2), the Watch Commander shall not order an autopsy for a minimum of 48 hours or until the certificate is produced. The Watch Commander shall advise the reporting party that an autopsy will commence in 48 hours if no valid certificate is produced.

- (a) The field marked "Autopsy Code" shall be marked as "Hold Post" for the duration of the 48 hour hold.
- (b) In the event that the autopsy or other procedure has already commenced at the time of initial notification, the Watch Commander shall ensure that all procedures are stopped immediately.

1116.3 CERTIFICATE REQUIREMENTS

If the decedent's friend or family member produces a certificate of religious objection, the certificate shall be given directly to the on-duty Watch Commander who shall review and determine the certificate's validity. If the certificate is deemed valid, postmortem examination shall not be performed and the death certificate shall be signed in accordance with section 1116.7 of this policy. Per Government Code 27491.43(b), the certificate shall meet the following criteria in order to be considered valid:

- (a) Be executed by the decedent at age 18 or older.
- (b) Use clear and unambiguous language to state that any postmortem examination would violate his/her religious convictions.
- (c) Be signed and dated by the decedent.
- (d) Be signed by two witnesses.
 - 1. Each witness must include his/her residence address.

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If, at any point, the Watch Commander has concerns regarding the validity of the certificate, the certificate shall be forwarded to the Assistant Chief Deputy Coroner assigned to Investigations.

1116.4 BODY EXAMINATION

In all cases where an autopsy is not performed based on the presence of a valid certificate of religious objection, the decedent shall be examined by a Deputy Coroner. The examination may take place at the Coroner Division Facility, unless other case circumstances require a field response in accordance with Coroner Division Policy 1104.

1116.5 COURT PETITION

Pursuant to Government Code 27491.43(b), if a valid certificate of religious belief is produced but the cause of death is not evident and it is in the public interest to determine the cause of death, the Sheriff-Coroner or his/her designee may petition the court for an order authorizing autopsy or an order setting aside the certificate as invalid. Notice of the proceeding shall be given to the person who produced the certificate.

1116.6 AUTHORITY TO SUPERSEDE RELIGIOUS OBJECTION

Even with a valid certificate of religious objection, California Government Code section 27491.43(c) authorizes the Coroner for perform postmortem examinations in any case where there is reasonable suspicion that the death was caused by a criminal act, or contagious disease constituting a public health hazard.

- (a) In this instance, and with the approval of the Sheriff-Coroner, the court need not be petitioned.

1116.7 DEATH CERTIFICATE

Death certificates for any case not autopsied on the basis of a religious objection shall be signed with the manner of "Natural" or "Undetermined," based on known case circumstances. The injury description shall read "Religious Objection to Autopsy," and the primary cause of death shall read as follows:

- (a) Undetermined
- (b) Religious Objection to Autopsy