
SENATE COMMITTEE ON LOCAL GOVERNMENT

Senator María Elena Durazo, Chair

2025 - 2026 Regular

Bill No: AB 1108

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Fiscal: Yes

Consultant: Peterson

COUNTY OFFICERS: CORONERS: IN-CUSTODY DEATHS

Prohibits the sheriff-coroner from determining the circumstances, manner, and cause of death for any in-custody death in counties that have consolidated the offices of the sheriff and the coroner.

Background

County governance. Counties fall into two types: “general law” and “charter.” General law counties are organized according to the generally applicable laws for county governance established by the Legislature that set the number, appointment, and election procedures for county officials, including the board of supervisors.

Charter counties have greater leeway to determine their own governance structure, including to elect additional supervisors and appoint or elect additional officers. A new charter, or the amendment of an existing charter, may be proposed by the Board of Supervisors, a charter commission, or an initiative petition. There are 14 charter counties: Alameda, Butte, El Dorado, Fresno, Los Angeles, Orange, Placer, Sacramento, San Bernardino, San Diego, San Francisco, San Mateo, Santa Clara, and Tehama. Most large counties are charter counties: eight of the ten largest counties by population have adopted charters.

All counties elect or appoint a variety of county officials. The California Constitution requires all counties to elect a sheriff, district attorney, assessor, and board of supervisors, and state law lists the officers that general law counties must have. State law gives county boards of supervisors the authority to consolidate the duties of certain of the county offices by ordinance.

Duties of sheriff and coroner. The board of supervisors in a county can enact an ordinance to consolidate the sheriff and coroner into a single elected office. Whether combined or separate offices, the sheriff and coroner must both be elected unless voters in that county allow for an appointed coroner. However, the board can, by ordinance, abolish the office of coroner and instead appoint a medical examiner to carry out the coroner’s duties. A medical examiner must be a licensed physician and surgeon specializing in pathology.

Sheriffs have three primary duties: (1) police unincorporated areas, (2) operate the county jail, and (3) attend to and execute orders of the courts. In large counties, they manage thousands of employees, including both sworn peace officers and other non-sworn staff.

The county coroner is tasked with determine the circumstances, cause, and manner of certain deaths—such as deaths that are violent, sudden, or unusual, or potentially stem from criminal activity. Regardless of whether a county has a medical examiner, separate coroner, or sheriff-coroner, a medical professional always performs the forensic autopsy to determine the cause of death. In response to concerns over interference in autopsies of deaths that involved law enforcement, the Legislature enacted SB 1189 (Pan, 2016). SB 1189 required forensic autopsies to be performed by a licensed physician and surgeon, and, where an individual dies as a result of law enforcement activity, prohibited law enforcement involved in the death from entering the autopsy room or having any involvement in the examination. However, SB 1189 still required the coroner—who may not be a medical professional—to determine the *manner* of death. While the circumstances and causes of death can vary widely, there are only five manners of death: natural, accidental, homicide, suicide, or undetermined.

Of California’s 58 counties:

- 48 have consolidated their sheriff and coroner offices;
- Seven counties have independent medical examiners (Alameda, Los Angeles, San Diego, San Francisco, San Joaquin, Santa Clara, and Ventura); and
- Three counties have separate sheriff and coroner offices (Inyo, Sacramento, San Mateo).

Recent sheriff controversies. Over the last few years, law enforcement-involved deaths and alleged interference by sheriffs have led to legislative action:

San Joaquin County. In December 2017, the chief medical examiner in San Joaquin County resigned after documenting numerous incidents of alleged interference by the Sheriff in their death investigations, including changing the manner of death from “homicide” to “accident” in three cases of law enforcement-involved deaths. Medical professionals and others argue that the consolidated sheriff-coroner system presents an inherent conflict. In order to address this potential conflict, on April 24, 2018, the San Joaquin County Board of Supervisors voted to create an independent Office of the Medical Examiner.

Contra Costa County. According to various news reports, in December 2020, Angelo Quinto died in police custody while suffering a mental health episode. Quinto’s family alleged that a responding officer knelt on Angelo’s neck for nearly five minutes while another officer restrained his legs, causing Angelo to lose consciousness. He later died in the hospital. The Contra Costa County’s Coroner Office, which is combined with its Sheriff’s office, ruled the cause of Angelo’s death was a result of “excited delirium.” In response to Quinto’s death, and other incidents, the Legislature enacted AB 1196 (Gipson, 2020) and AB 490 (Gipson, 2021) to ban law enforcement from using chokeholds and restraints that lead to potential asphyxiation, and also restarted conversations about the separation of coroner and sheriff’s offices to account for potential conflicts of interest.

To avoid future conflicts of interest in in-custody deaths, the author wants to require sheriff-coroners to contract out investigations of these deaths.

Proposed Law

Assembly Bill 1108 prohibits, starting January 1, 2027, the sheriff-coroner from determining the circumstances, manner, and cause of death for any in-custody death, including deaths that occur when someone is in the custody of federal immigration officials, in counties that have consolidated the offices of the sheriff and the coroner. Instead, the sheriff-coroner in these counties must:

- Contract with another county that has a coroner or medical examiner's office operating independently of the sheriff's office to determine the circumstances, manner, and cause of death;
- Contract with a third-party medical examination provider separate and independent from the sheriff-coroner's office, which has a licensed physician and surgeon duly qualified as a specialist in pathology. The medical examination provider shall operate independently from the sheriff-coroner in conducting the medical examination process, including, exercising professional judgment to make determinations of the circumstances, manner, and cause of death.

Regardless of which option the sheriff-coroner chooses, the cause and manner of death on the death certificate must match the determination of the coroner, medical examiner, or third-party medical examination provided.

In counties with a combined sheriff-coroner office, the county board of supervisors must annually select and enter into a service agreement with a medical examiner or independent coroner office of another county, or with a third-party medical examination provider. The county board of supervisors can only enter into a service agreement with a third-party medical examination provider that is not currently under contract with a county sheriff's office.

The measure also provides that its requirements apply to all counties, including charter counties.

Comments

1. Purpose of the bill. According to the author, "AB 1108 is a common-sense measure designed to protect the independence and impartiality of medical investigations into deaths involving sheriff's deputies. By providing counties with options already in use by counties with separate coroner-sheriff offices, the bill improves oversight and transparency. Specifically, AB 1108 will require counties with a combined sheriff-coroner office to refer investigations of deaths in custody, or involving the use of force, to an independent coroner or medical examiner from a different county, or contract with a qualified private medical examiner to perform the investigation. AB 1108 aims to reduce the potential for undue influence by the sheriff's office in cases involving their own officers."

2. Home rule. AB 1108 imposes new requirements on counties that have consolidated their sheriff and coroner offices, which includes 48 of the state's 58 counties. While counties decide to consolidate certain offices for a variety of reasons, in many small counties it can make more efficient use of limited resources than paying two separate county officers when one officer can manage the workload of the two offices effectively. Second, it can help address recruitment issues in rural counties that may have a limited pool of qualified candidates. For these 48

counties, AB 1108 requires them to contract out investigations of deaths in custody, regardless of whether they have the capabilities to do these investigations internally. If one of these counties wants to avoid these new requirements, they could adopt an ordinance to abolish the coroner position and provide instead for the office of an independent medical examiner. Additionally, with majority voter approval, a county can adopt, amend, or repeal a charter that grants it home rule authority over specified matters, including county office consolidations or creating new offices that state law does not authorize general law counties to create. While AB 1108 takes away the authority to conduct their own investigations of deaths in custody, it does not eliminate all the options for the county to craft an alternative that suits local conditions. For example, counties have the flexibility to contract with another county, find a third party, or could also create separate sheriff and coroner offices. Also, it does so for a meritorious reason: ensuring there is some degree of separation between the entity responsible for supervising the individual in custody and the entity investigating why that person died in custody. The Committee may wish to consider whether decisions regarding sheriff and coroner offices should remain at the local level.

3. Too far or not far enough? While AB 1108 ensures there is some degree of separation between the entity responsible for supervising the individual in custody and the entity investigating why that person died in custody, it does not eliminate all potential conflicts of interest. Most notably, it leaves the decision of whether a death during an encounter with law enforcement meets the definition of a death in custody. In other words, AB 1108 may make the investigation more independent, but it is still up to the sheriff to determine whether an investigation happens at all. While AB 1108 provides some additional independence into deaths in custody, it does not completely firewall the sheriff from the process. The Committee may wish to consider whether another entity other than the sheriff-coroner should determine whether a death warrants investigation.

4. Let's be clear. AB 1108 requires county boards of supervisors in counties with consolidated sheriff-coroner offices to annually select and enter into a service agreement with a medical examiner or independent coroner office of another county, or with a third-party medical examination provider. However, the measure does not require the sheriff-coroner to use the entity the county board of supervisors selects. The Committee may wish to consider amending the bill to clarify this requirement.

5. Prior legislation. Investigation of deaths in custody has been an issue of concern for the legislature for the past several years. Over that time, the Legislature has considered the following legislation:

- AB 360 (Gipson, 2023) prohibits excited delirium from being recognized as a valid medical diagnosis or cause of death;
- AB 1608 (Gipson, 2022) would have removed counties' ability to consolidate the offices of the sheriff and coroner. AB 1608 died on the Senate Floor;
- SB 1303 (Pan, 2018) would have replaced the county office of the coroner or the sheriff-coroner's office with an office of medical examiner in counties that have not adopted a charter and have 500,000 or more residents, or required these counties to adopt a policy requiring referral of death investigations to a county with a medical examiner's office for any case representing a potential conflict of interest. This Governor vetoed this bill; and

- SB 1189 (Pan, 2016) requires that a forensic autopsy, as defined, be conducted by a licensed physician and surgeon.

6. Mandate. The California Constitution requires the state to reimburse local governments for the costs of new or expanded state mandated local programs. Because AB 1108 imposes new duties on local governments, Legislative Counsel says it imposes a new state mandate. The measure states that if the Commission on State Mandates determines that the bill imposes a reimbursable mandate, then reimbursement must be made pursuant to existing statutory provisions.

7. Incoming! The Senate Rules Committee has ordered a double referral of AB 1108: first to the Committee on Public Safety, which approved AB 1108 at its July 1st hearing on a vote of 7-1, and second to the Committee on Local Government.

Assembly Actions

Assembly Public Safety Committee:	8-0
Assembly Local Government Committee:	10-0
Assembly Appropriations Committee:	11-0
Assembly Floor:	72-0

Support and Opposition (7/11/25)

Support: California Attorneys for Criminal Justice
 California for Safety and Justice
 California Medical Association (CMA)
 California Public Defenders Association (CPDA)
 Ella Baker Center for Human Rights
 Oakland Privacy
 Rubicon Programs
 Sister Warriors Freedom Coalition
 Smart Justice California, a Project of Tides Advocacy

Opposition: California State Sheriffs' Association
 Carceral Ecologies
 County of Fresno
 Justice2jobs Coalition
 Kern County
 Lead Filipino
 Riverside County Sheriff's Office
 Starting Over INC.
 Starting Over Strong

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