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FEATURE:

7th Circuit Holds County Not Liable After Coroner Keeps Skull of Murder Victim as a Trophy

Betts v Boone County, No. 25-1685 (7th Cir. June 15, 2026)

In 1977, Louise Betts was kidnapped, raped, and murdered. The coroner, Wesley Hyland, conducted an autopsy on her body and returned her remains to her family for burial. Unbeknownst to the family, Hyland kept her skull as a sort of trophy. In 2022, the current coroner notified the family that Hyland had kept at least three skulls, including Louise's, requiring the family to exhume her casket to inter the skull with her remains.

The Betts (Bettses) family sued Boone County (County) under § 1983, alleging a Fourteenth Amendment deprivation of property without due process, asserting Hyland's actions established an unconstitutional official policy of retaining remains. The District Court dismissed the case for failure to state a claim, concluding that Hyland's actions did not represent official county policy under Monell. The Bettses appealed.

Legal Question(s):

1. Whether Hyland's actions established an "official policy" of unconstitutionally retaining human remains.

Holdings:

The court held the Bettses failed to show the County violated their right to their sister's remains because state law requires that coroners return bodily remains to families, and Hyland individually frustrated an official policy rather than established one.

Analysis:

The court began by accepting that Illinois law recognizes next of kin possess a protected property-like interest in a decedent's remains, consistent with state precedent, and proceeded to the Monell inquiry at the center of the case.

The court reiterated that a municipality is not liable under § 1983 unless the deprivation of a constitutional right is caused by a municipal policy or custom. There are three ways a plaintiff may demonstrate this: (1) an express policy of the municipality, (2) a widespread practice constituting custom or usage, or (3) an act by a person with final policymaking authority. *Kujawski v. Bd. of Comm'rs of Bartholomew Cnty.*, 183 F.3d 734, 737 (7th Cir. 1999). In this case, the court focused on the third avenue. The court was very careful to distinguish between the individual actions of people who work for local governments and the official policies of those governments. Even when a local government official is in a position of power, their actions may still not constitute government policy or action.

Looking to state law, the panel held Hyland was constrained by 55 ILCS 5/3-3021, which mandates a coroner shall release the body to next of kin as soon as consistent with duties, so keeping the skull violated an unequivocal statutory command and frustrated governmental policy. The court distinguished *Vodak v. City of Chicago* 639 F.3d 738 (7th Cir. 2011), where no ordinance constrained the police superintendent. The court rejected the Bettses' argument that other statutes granting the coroner broad operational authority made Hyland a final policymaker over the return of remains, emphasizing that one can be a policymaker in one domain but not another and that no statute delegated final authority over how remains are returned. The court further explained that Hyland's elected status did not confer authority to countermand state law and that his oath bound him to follow state and federal law.

The court noted other circuits similarly reject Monell liability where officials violate binding law, citing the Second and Fifth Circuits, and distinguished a contrary Tenth Circuit case as involving local bodies violating their own policies rather than state-imposed constraints. The panel concluded that Hyland's conduct, though heinous, was his own violation of state law and did not constitute County policy, so the complaint failed to state a Monell claim, and dismissal was affirmed.

For local government attorneys, there was a rather troubling dissent that is worth paying attention to in case this line of thinking arises in your circuit. The dissent argued that a policymaker's violation of state law should not bar Monell liability, analogizing to *Monroe v. Pape*, 365 U.S. 167, 172, 183–87 (1961), in that rejection of state-law compliance as a defense for individual § 1983 liability and warning the majority's approach would shield municipalities from liability for grave violations by elected officials. The dissent contended Hyland, an independently elected coroner with sole statutory authority to release bodies, acted as the County's final policymaker in that domain, making the County liable for his unconstitutional act notwithstanding the state statute. The dissent identified a few other decisions like *Whitson v. Board of County Comm'rs of County of Sedgwick*, 106 F.4th 1063 (10th Cir. 2024), *Bennett v. Pippin*, 74 F.3d 578 (5th Cir. 1996), and *Hollins v. Powell*, 773 F.2d 191, 195–96 (8th Cir. 1985), permitting Monell liability despite violations of other laws, that he believed were more analogous to this case. It also emphasized Monell's causation focus should turn on who made the decision in the relevant area, not whether the act also violated state law. The dissent concluded that state law designates Hyland as the responsible official for releasing bodies, so the County should be held liable for his alleged constitutional violation regardless of concurrent state-law violations.

Betts v Boone County

SHORT SUMMARIES:

6th Circuit - Racial Discrimination in Hiring

The Sheriff's office uses a merit-based hiring process. The Plaintiff in this case applied for a deputy position and was denied. The Plaintiff sued, asserting racial discrimination. The lower court denied his claim, and he appealed. The panel affirmed. The panel noted that the Plaintiff failed to establish any racial animus in the process and bought the Sheriff's defense that the background check established a basis for the decision not to hire. The background check informed the sheriff about the applicant from his employer, thusly: "His then-employer told the Merit Commission that he was not a dependable employee, did not work well with others, would not be rehired in his current position as a railroad signalman, and was not recommended for hire as a deputy sheriff."

Burton vs Will County Sheriff's Merit Commission

10th Circuit - Excessive Force - Unlawful Detention and Seizure

This is a tragic case in which officers, upon asking a man for identification, saw their interaction escalate to a struggle, the officers shooting and killing the man, and arresting his mother, who was present during the events. The lower court concluded that the facts were disputed and denied Qualified Immunity. The officers appealed, asserting that the available facts blatantly contradicted the conclusion of the dispute. The panel found otherwise. The panel denied review of certain claims due to disputed facts and affirmed the lower court's denial of qualified immunity.

Estate of Ward vs Lucero

6th Circuit - Free Speech - Public Comment Periods

I don't normally report on school issues, but this case might inform readers regarding standards associated with public comment periods during meetings. From the court's opinion:

"During a public comment period of a Xenia School Board meeting, plaintiff Darbi Boddy attempted to express her views regarding the school district's alleged teaching of critical race theory. In prepared remarks, delivered in a calm and deliberate manner, Boddy took issue with the "cowardice" of the school district's superintendent and characterized the Board as "failing." Displeased with the speech, Board president Mary Grech threatened to turn off Boddy's microphone. Forty seconds later, as some in the audience became disruptive in reaction to Boddy's remarks, defendant Grech abruptly seized Boddy's microphone and recessed the meeting. Boddy was denied her allotted five minutes of public comment, and she was not offered any additional time to address the Board when the meeting resumed. Boddy brought this action seeking vindication of her First Amendment rights. The district court denied Boddy's motion for a preliminary injunction, ruling that she had failed to demonstrate a strong likelihood of success on the merits or irreparable harm. We disagree. Accordingly, we reverse and remand for the entry of a preliminary injunction in Boddy's favor."

The defense argued that the speech was not protected because it amounted to an *ad hominem* attack, to which the panel replied: "First, we have never held that an ad hominem attack is per se unprotected speech. And any indication otherwise in Ison is dicta. Thus, it was error for the district court to cite it as our precedent. Nor has the Court held that ad hominem attacks are without First

Amendment protection. In fact, Matal and Iancu suggest that Boddy's speech is protected because giving offense is a viewpoint. Second, as a factual matter, Boddy's speech was not an ad hominem attack. Boddy was criticizing the Board and superintendent for their policy choices as public employees. An ad hominem attack is a "personal dig or affront . . . [or] the criticism of an adversary's character as opposed to the substance of the adversary's arguments.""

There are arguments for and against the government's authority to maintain decorum at its meetings, and the question of whether a "heckler's veto" violates the First Amendment. All interesting issues making the case worth a read. I might add that the speaker in question did not live in the District where she was speaking, which the concurring judge indicated shouldn't matter.

Boddy v. Grech, et al.

9th Circuit - Wrongful Conviction - Malicious Prosecution

Cases involving wrongful convictions seem to be on the rise. This case involved the prosecution of a person convicted more than 30 years ago. Sorting out what happened then and whether rights were violated must be difficult. The case involved a murder. There were rumors on the street that a fellow had done the deed in something of a battle among drug gangs. The police identified the person whom they believed may have been the driver of their suspect. He was only 18. The police discussed with him the felony murder law and suggested that it might be in his interest to rat out the shooter. After some hesitation and back-and-forth, he identified their suspect, for whom he was granted immunity. The police then got a search warrant and an arrest warrant from a judge. The suspect was arrested, arraigned, and a probable cause hearing concluded against him. Trial ensued, and he was convicted. So, thirty-some years later, he filed a habeas petition, and the San Francisco DA's office Innocence Team concluded that he was, in fact, innocent and that the police had unfairly induced the young guy to rat out the Petitioner. He's freed and files a lawsuit. The District Court, while ruling in favor of the police in some respects, denied qualified immunity on the issue of whether they had probable cause to arrest and whether the induced statement from the young guy amounted to fabrication of evidence. As to Qualified Immunity, the lower court and the panel 2-1 determined that the law was clear enough in 1990 that the officers should not have interrogated the young man in such a way as to cause him to rat out the Petitioner, so no Qualified Immunity. The dissent had trouble agreeing with the majority for two reasons. As to probable cause, the dissent felt there was at least arguable probable cause for the arrest and on the fabrication of evidence holding, felt that the clarity of the law in 1990 was more opaque on the question of what police could do and say when questioning a potential witness and then relying on that statement.

Ciria vs Gerrans

7th Circuit - Jails -Human Trafficking -Solitary Confinement

This case involves the detainment of suspected illegal immigrants who the federal government contracted to house in a county jail. They were forced to labor under the threat of being housed in solitary confinement for refusing. They sued under 18 U.S.C. § 1589, asserting that the statute applies to the county and its jail and that a threat to force them to labor while they are civil detainees at the jail violates the statute's specifics. The lower court declined the opportunity to rule in their favor, and they appealed. The panel vacated and remanded, holding that the statute arguably applied. The court concluded: "Whatever may be said about convicted felons and market transactions, nothing in either the text or context of §1589 permits a local jail to compel civil

detainees—persons not subject to punishment—to work on pain of solitary confinement or loss of phone contact with the outside world. The complaint alleges threats that cannot be dismissed as too slight to activate the statute. Whether the allegations of the complaint can be proved, and if so, what damages are appropriate, are among the questions open on remand. The district judge also should consider the County's argument that the statute is unconstitutionally vague, a subject on which an appellate court should not be first to speak."

Ruderman vs. Kenosha County