

Death Investigations 101

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TJCTC Programs are an educational endeavor of the Justices of the Peace and Constable's Association of Texas, Inc. and funded by the Texas Court of Criminal Appeals and the Texas Department of Transportation.

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Carl Rogers

- Ector County Medical Examiner's Office for 12 years
- Ector County Constable in 3rd term
- Texas Peace Officer for 50 years
- Worked on death investigations for about 25 years.

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Investigations

- **Why is it important?**
- **How do you document your investigation?**
- **Where do you start first?**

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Judge in Charge of the Scene

- The JP oversees the inquest scene but must not interfere with any ongoing law enforcement investigation.
- Work together!
- Anyone intentionally or knowingly hindering an inquest can be charged with a Class B misdemeanor

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Remote Appearance

- The judge may conduct an inquest remotely, if necessary, but it is always a best practice to go to the scene in person
- **Why?**

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Safety & Coordination with Law Enforcement

- **Why is it important to work well with law enforcement on scene?**
- **What safety measures do you take on scene?**

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Preservation of the Scene

- If the body/body part is found on the premises under the sole control of the deceased, the JP can direct the premises sealed to only them and law enforcement who are investigating the death

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Case 888 – Death at Home

- Contacted by Police that a 54-year-old deceased female has been found at a residence on Foster Road. Possible accident or suicide.
- Decedent's daughter found her mother in the bathtub. Surveillance footage corroborates. Daughter said that mother had addiction issues.
- **What would you look for at the scene?**

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Case 999 – Motor Vehicle Accident

- Contacted by police that there was a car crash and a 10-year-old boy was transported to the hospital and is now deceased.
- Both parents are at the hospital. Mother is being treated for injuries from the crash.
- **What can be different when someone is transported from the scene to a hospital?**

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Using Detailed Forms

- Help keep investigations consistent
- Don't forget important details that must be on the death certificate
- Provide all the relevant information to the forensic pathologist or medical examiner performing an autopsy or other tests

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Look at Your Handouts!

- Investigation Report
- Scene Report

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Standard Case Information

- This is going to be the same/similar for everyone
- This includes the basics:
 - Case #
 - Date
 - Decedent Name
 - Location

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Where?

- Address
- Location type
- Description
- Body position at the scene
- Evidence around the body

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Who?

- Decedent
- **Witnesses?**
- **Who arrived before you to the scene but after death?**

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What?

- Look for clues about manner of death (*might not know yet*)
 - Natural
 - Accident
 - Suicide
 - Homicide
 - Undetermined

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Manner of Death Clues

- Gun in the decedent's hand
- Decedent laying at the bottom of a ladder
- Pill bottles on the floor near the body
- **What are some less obvious clues?**

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When?

- What time were you called?
- What time did you arrive?
- Estimate time of death?
- **What other times are relevant?**

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Case 999 – Motor Vehicle Accident

- Contacted by police that there was a car crash and a 10-year-old boy was transported to the hospital and is now deceased.
- Both parents are at the hospital. Mother is being treated for injuries from the crash.
- **What do you look for at the scene of the crash? Do you always have the opportunity to attend the crash scene before it is cleared?**

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Family On Scene

- **What is your procedure if family is present on scene?**
- Remember to remain respectful and spend adequate time speaking with the family.
- **Best Practice:** Schedule a time away from the scene to discuss the inquest with the family.

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Viewing the Body

- Parents have a right to view the body (even if their child is an adult).
- You may want to prepare them for what they will see depending on the condition of the body.
- You can allow them to do this at the funeral home or limit their physical contact with the body.

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Who is Next of Kin?

- Specific written directions from the deceased;
- The person designated in a written instrument signed by the deceased;
- The deceased's surviving spouse;
- Any one of the deceased's surviving adult children;
- Either one of the deceased's surviving parents;
- Any one of the deceased's surviving adult siblings;
- Any one or more of the duly qualified executors or administrators of the deceased's estate; or
- Any adult person in the next degree of kinship in the order named by law to inherit the estate of the deceased.

Health and Safety Code § 711.002

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Finding Family/Next of Kin

- **How do you find the next of kin?**
- If family/next of kin is not immediately available, the JP chooses the funeral home where the body is sent.
- **What are your county's procedures for this process?**

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- Decedent's daughter found her mother in the bathtub. Surveillance footage corroborates. Daughter said that mother had addiction issues.
- **What would you ask the daughter? Who else do you want to interview?**

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Case 999 – Motor Vehicle Accident

- Contacted by police that there was a car crash and a 10-year-old boy was transported to the hospital and is now deceased.
- Both parents are at the hospital. Mother is being treated for injuries from the crash.
- **What questions do you ask the parents?**

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Completing Your Report

- **What steps do you take to complete your report when you get back to your office?**
- **How quickly after the inquest scene do you do this?**

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Working with an ME or Forensic Pathologist

- Send a full scene report/investigation along with the body for autopsy
- Don't hesitate to reach out and ask questions of the Medical Examiner or Forensic Pathologist during your investigation

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- **What would you do to further investigate?**

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Maintaining & Storing Inquest Records

- JPs are the official inquest record-keepers
- **What must the records include?**
 - a report of the events and proceedings,
 - findings and conclusions of the inquest,
 - any autopsy prepared in the case, and
 - “all other papers of the case”

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Inquest Record Retention

- Inquest records should be kept indefinitely
- Local Government Retention Schedule LC: Records of Justice and Municipal Court Part 2 applies -
<https://www.tsl.texas.gov/slrml/localretention#LC>

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Record Requests

- Inquest records are generally open for inspection to the public.
- This means that if it is requested, the court must provide the record unless it has been sealed by a higher court's order
- Note, under the common law right to privacy, some personal information may be redacted (social security numbers, driver's license numbers, financial information, etc.)

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Autopsies & Medical Records

- A judge may **NOT** withhold an autopsy report from public inspection if it is part of an inquest record. *Attorney General Opinion JC-0542*
- HIPAA does not apply to inquest records held by a court – courts are not covered entities.

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Reporting Requirements

- Injury
 - Traumatic brain injuries
 - Spinal Cord injuries
 - Submersion injuries
- TxDOT
- Child Abuse
- Unidentified Person
- Communicable Diseases
- Suicide
- Aviation/Train Accidents

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- Contacted by police that there was a car crash and a 10-year-old boy was transported to the hospital and is now deceased.
- Both parents are at the hospital. Mother is being treated for injuries from the crash.
- **What reports do you have to complete for this death case?**

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Resources

- **TJCTC Resources** – Deskbooks, Charts & Checklists, Board Questions, Legal Calls
- **Code of Criminal Procedure Chapter 49**
- **Health and Safety Code Chapter 711**
- **Various Government Code Sections**