

Conducting Death Investigations

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Agenda and Resources

- When Do You Conduct a Death Investigation?
- What Do You Do When You Get the Call?
- What Do You Do When You Arrive at the Scene?
- What Happens Next?
- What First Responder Benefits Were Recently Added for JPs?
- Death Investigators Offices
- Medico-Legal Certification

This class will not cover every topic related to inquests. For additional information, please see TJCTC's Inquests Deskbook: <https://www.tjctc.org/tjctc-resources/deskbooks.html>.

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When Do You Conduct A Death Investigation?

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For All Inquests

- If you are doing an inquest, then you **must** do a death investigation (and you are the one who must sign the death certificate. – CCP Art. 49.16).
 - An autopsy/tests may or may not be required as part of the investigation – more info on this later.
- You should work in concert with law enforcement at the scene, but you have **equal and independent** investigation rights. – CCP Art. 49.03
- *Note: if you are **not** doing an inquest, then you have **no authority** to do an investigation, order an autopsy, certify that a body may be cremated, complete a death certificate, etc.*

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When Inquests Are Required – CCP Art. 49.04

- The person dies in prison or in jail (unless dies of natural causes and attended by a physician or lawful execution)
- The person dies an unnatural death from a cause other than a legal execution;
- An identified body (or part of a body) is found, and the cause or circumstances of the death are unknown;
- An unidentified body or body part is found, regardless of whether the cause or circumstances of the death are known;

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When Inquests Are Required – CCP Art. 49.04 (continued)

- A death that might have been caused by unlawful means (for example, murder);
- Suicide is (or may be) the cause of death;
- The person dies without having been attended by a physician;
- The person dies while attended by a physician who is unable to certify the cause of death;
 - If a doctor will sign the death certificate in a natural death when overseeing the care of the patient, there is no inquest. If they are unable or unwilling to sign even when it is a natural death, then there must be an inquest.
- The person is a child younger than six years of age and the death was unexpected (except for a neoplastic disease) or abuse or neglect are suspected.

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Fetal Death Inquests

- A fetal death certificate (which is different from a standard death certificate) is required for any fetus weighing 350 grams or more, or if the weight is unknown, a fetus aged 20 weeks or more.
- An inquest and investigation would be needed in this case only if one of the general reasons that an inquest is required applies.
- DSHS has a handbook on Fetal Death Certification that can be found online: <https://www.dshs.texas.gov/vital-statistics/vital-statistics-partners/local-registrars>

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Fetal Deaths vs. Infant Deaths

- A fetal death is a death that occurred before labor or during labor or delivery.
- An infant death is a death that occurred after delivery, up to one year of age.
- It is a “fetal” death if after separation, there is no breath, and no other evidence of life:
 - no beating of the heart
 - no pulsation of the umbilical cord, or
 - no definite movement of voluntary muscles).

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What Do You Do When You Get the Call?

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Time and Place for Investigation

- A justice of the peace shall conduct an inquest immediately or as soon as practicable after the justice receives notification of the death. – CCP Art. 49.05(a)
- The investigation can be where the death occurred, where the body was found, or a place the justice of the peace “determined to be reasonable.” – CCP 49.05(b)

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Discussion #1

- **Why might you conduct your investigation somewhere other than at the scene of the death?**
- **What would be a “reasonable” place?**

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Designated Person at Scene

- If the death is one where the person dies without having been attended by a physician or the attending physician cannot certify the cause of death, the justice of the peace may designate a person to visit the scene and videoconference with the judge so that the judge may determine the cause and manner of death. CCP Art. 49.05(b)(3).
- Note that this authority excludes several types of deaths, including those that may be suicide or may have been caused by unlawful means.

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Discussion #2

- **What are the possible concerns with having your clerk serve as a “designated person” as mentioned on the last slide?**
- **Does your clerk have any other role at this point in the process? If so, what is it?**

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What Do You Take with You?

- Special Lighting in Vehicle en Route to Scene?
 - When doing inquests only, a JP may have mounted signal lamps that comply with Transportation Code § 547.702(c) or a signal lamp that is temporarily attached to the roof and flashes red and blue lights visible from at least 500 feet in normal sunlight. – Transportation Code § 547.752(a).
 - The lights cannot be used at all times when traveling to or from a scene. The lights may only be used when necessary to warn other vehicles or pedestrians of the approach of the vehicle. – Transportation Code § 547.752(b).
- Go bag? What is in it?
- Any sort of resources/information?
- Anything else?

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What Do You Do When You Arrive at the Scene?

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Remember Your Objective

- An inquest is an investigation into the **cause and manner of the death** of a person.
- You do not pronounce death.
- You do not investigate beyond what is needed to determine the person's identity and the cause and manner of their death.
- You will be collecting all of the information you need to be able to write your narrative inquest report and complete your inquest.

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Collecting Information

- Know what questions need to be answered in your report: **Who, What, Where, When, How, and Why?**
 - Your report must be accurate, thorough, unbiased, and clearly written in a timely fashion.
 - See Medicolegal Death Investigator training program's *Who/What/Where/When/How/Why* handout (in your materials).
- What do you look for?
- Who do you talk to? What do you ask them?
- What do you take pictures of?

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Unidentified Remains

What do you do if the identity of the deceased is unknown?

- Gather as much information about their identity as possible. An autopsy may be needed (more information on this coming up).
- *Note: Unidentified remains may not be cremated. If the body is buried, the justice of the peace shall record and maintain for not less than 10 years all information pertaining to the body and the location of burial. – CCP Art. 49.09(e)*

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Arranging for Removal of the Body – CCP Art. 49.05

- A JP may direct the removal of a body from the scene or move any part of the physical surroundings only after law enforcement is notified of the death and has conducted their investigation, or if they have not begun an investigation, a reasonable time has elapsed since they were notified.
- A law enforcement agency that is notified of a death requiring an inquest shall begin its investigation immediately or as soon as practicable.
- Except in emergency circumstances (such as clearing a roadway), law enforcement may not move the body or any part of the physical surroundings without authorization from a JP.

Note: Remember class discussion yesterday regarding best practices when interacting with law enforcement.

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Protecting the Scene

- If the scene needs to be protected for further investigation, the justice of the peace may lock and seal the premises.
- This is only an option if the property was under the “sole control” of the deceased.
- Only a peace officer may enter this scene after sealing.
- The deceased’s estate can be charged any rent, utility charges, taxes, or other reasonable costs while the property is under seal. It is a Class B misdemeanor to tamper with or remove the seal.

– CCP Art. 49.22.

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What Should be Done with Items Found at the Scene?

- You will likely find many items at a scene that may be relevant to the inquest.
- The proper way to handle these items is to turn them over to the correct law enforcement agency for storage in their property room for safekeeping.
- Do not remove items and hold them at your office or otherwise dispose of them.
- Not turning the evidence over to law enforcement as required under the law could create liability for the judge and county.

– CCP Art. 49.17.

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What Happens Next?

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Requesting Autopsy or Tests

- The purpose of autopsies or more limited tests is to aid in the determination of cause and manner of death and/or the identity of the person.
- Generally, the decision to perform an autopsy is up to the justice of the peace conducting the inquest (exceptions on next two slides).
 - At their discretion, a justice of the peace may obtain the opinion of a county health officer or a physician concerning the necessity of obtaining an autopsy in order to determine or confirm the nature and cause of a death. – CCP Art. 49.10(a)
- Sometimes, you may just order blood or other tests instead of a full autopsy.

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When an Autopsy May Not Be Ordered

- An autopsy may **not** be ordered if:
 - the person dies from a communicable disease during a health disaster, or
 - the person died from Asiatic cholera, bubonic plague, typhus fever, or smallpox.
- CCP Art. 49.10(d).

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When an Autopsy Must Be Ordered

- An autopsy **must** be ordered if:
 - The prosecutor directs the judge to order one.
 - For any death of a child younger than six if the death is unexpected or abuse or neglect is suspected.
 - If a child under one dies of SIDS.
- CCP Art. 49.10(e).

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Discussion #3

- **When it has been up to your discretion, what are some examples of when you have requested an autopsy?**

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Complete Inquest and Required Reports

- Determine cause and manner of death and complete the death certificate – this will be covered in the next class!
- Complete your inquest record pursuant to CCP Art. 49.15 (report of the events and proceedings, findings and conclusions, any autopsy, and all other papers of the case) and make sure all paperwork/photos are in the file.
 - Additional records are needed if there is a formal inquest hearing – see TJCTC's Inquests Deskbook for more information.
- Address disposition of the remains as needed and complete any required reporting – for more information, see TJCTC's Inquests Deskbook.

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What First Responder Benefits Were Recently Added for JPs?

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Benefits Added by HB 1306 in 2025 Session

All of the following apply to a claim for benefits or compensation pending on or filed on/after 9/1/25:

- *Government Code §607.001, .002, .003*: “Death investigation professionals” (including JPs) added to list of ppl who can receive reimbursement of reasonable medical expenses for treatment by the physician of their choice if exposed to a contagious disease other than an “ordinary disease of life” while conducting/assisting in an inquest.
- *Government Code §607.004(a-1)*: “Death investigation professionals” (including JPs) added to ppl who are entitled to vaccines for any disease they may be exposed to in doing inquests and for which immunization is possible (provided by county or reimbursed).

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Benefits Added by HB 1306 in 2025 Session (Continued)

- *Labor Code §504.057*: A death investigation professional, including a justice of the peace performing an inquest, who sustains a serious bodily injury (as defined in Penal Code § 1.07) in the course and scope of employment is entitled to accelerated provision of medical benefits relating to the injury.
- *Government Code §615.003*: JPs added to the list of individuals covered by Ch. 615 (Financial Assistance To Survivors Of Certain Law Enforcement Officers, Fire Fighters, And Others) – Provides for survivor benefits for certain defined "survivors" of the individual if the individual passes away due to a personal injury sustained in the line of duty.

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Death Investigators Offices – CCP Art. 49.23

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Authority and Oversight

- The commissioners court of a county may establish an office of death investigator and employ one or more death investigators to provide assistance to those persons in the county who conduct inquests.
- A death investigator employed under this article is entitled to receive compensation from the county in an amount set by the commissioners court.
- A death investigator serves at the will of the commissioners court and on terms and conditions set by the commissioners court.

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Qualifications of Death Investigators

To be eligible for employment as a death investigator, a person must have experience or training in investigative procedures concerning the circumstances, manner, and cause of the death of a deceased person.

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Procedures

- At the request of and under the supervision of a justice of the peace or other person conducting an inquest, a death investigator may assist the person conducting the inquest to:
 - investigate the time, place, and manner of death; and
 - lock and seal the premises of the deceased.
- A death investigator who assists in an inquest under this subsection shall make a complete report of the death investigator's activities, findings, and conclusions to the justice of the peace or other person conducting the inquest not later than eight hours after the death investigator completes the investigation.

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Discussion #4

- **Pros and cons of having one of these offices in your county.**
- **Things to be aware of if your county decides to establish one.**

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Medico-Legal Certification

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Procedures and Benefits of Certification

- How do you get certified?
- What are the benefits?
- <https://www.abmdi.org/>

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