

Inquests: What, When, & How

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Funded by Grants from the Texas Court of Criminal Appeals

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Inquest Resources

TJCTC Resources

- Inquest Deskbook
- Recordings for Credit
- Self-Paced Modules
- Forms
- Charts & Checklists

Statutes

- Health and Safety Code Ch. 193
- Code of Criminal Procedure Ch. 49

Dept. State Health Services (DSHS)

- TxEver
- Death Reporting Guides

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What is an Inquest?

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What is an Inquest?

An investigation and determination of **cause and manner** of death.

Formal definition: *Chapter 49.01(2) Code of Criminal Procedure*

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Why are Inquests Performed?

- Legal requirements
- Checks on other agencies
- To determine what happened
- Recordkeeping
- Voice of the deceased

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Pronouncement vs. Certification

The person who pronounces death may not necessarily be the same person that certifies the death.

Pronounces death: EMS, Hospital staff, law enforcement, lay persons

A JP never pronounces death. JP will not determine **if** the person died, they determine **how** the person died.

Certifies death: either the justice of the peace, medical examiner, or doctor completes the death certificate

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What Does Cause and Manner Mean?

Cause: The disease, injury, drug toxicity, or combination of factors that causes a physical disorder severe enough to result in death.

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Manner of Death – 4 Categories

- **Natural**
Deaths due to illnesses or conditions (such as heart attacks or cancer) rather than external causes
Natural deaths are the only types of deaths that a physician can certify
- **Accident**
Fall off a ladder
Snake bite
Motor Vehicle Crash
- **Homicide**
One person kills another person
Does not have to be criminal (i.e. self-defense shooting is still homicide)
- **Suicide**
Intentional taking of one's own life
- **Indeterminate**
Only use when it is **IMPOSSIBLE** to determine the manner of death

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Examples

Cause: Gunshot to the head
Manner: Suicide

Cause: Drowning
Manner: Accidental

Cause: Stab wound to the chest
Manner: Homicide

Many Webinars on this topic and we will discuss more later!

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Why do JPs do Inquests?!

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When is an Inquest Required?

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Code of Criminal Procedure 49.04

Deaths Requiring an Inquest

- A body was found, and the cause and circumstances of death are unknown.
- The death is believed to be an unnatural death (accident, suicide, homicide)
- The death occurred in prison or jail
- The death occurred without an attending physician
- The physician is unable or unwilling to certify the cause of death
- The deceased is under 6 years of age and death was unexpected

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What is an expected death?

A child's death is expected if it is:

- Due to a congenital (*condition that is present from birth*) or neoplastic (*condition that causes tumor growth*) disease
- or
- Caused by an infectious disease,
 - Not acquired as the result of trauma or poisoning,
 - Is identified using standard medical procedures, and
 - Is not reportable to DSHS under Ch 81

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You Will Often be Asked to Perform the Inquest and Sign the Death Certificate Even When the Person was at the Hospital

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Responsibility for an Inquest

You are responsible for performing the inquests for **all** deaths that occur in your precinct.

- *Code of Criminal Procedure Art. 49.07*

Wait?! I am responsible for every death in my precinct
24/7/365????

Good news! Most counties have an “**on-call**” schedule rotation, and a judge will cover the whole county while they are on-call and not be responsible for any inquests while not on-call.

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What if the JP is Unavailable



What if we don't have an "on-call" rotation, and I'm not available when a body is found in my precinct?

Any **JP in your county** may perform the inquest.



What if no JP in my county is available?

The **county judge** may be called to perform the inquest.



If another JP from your county or your county judge is not available, then a JP from another county may be contacted to do an "**inquest bench exchange**" and begin the inquest.

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Inquest Bench Exchange

The inquest bench exchange agreement should be in writing and signed.

This can also be a useful tool in the event of a mass fatality incident to bring in more judges to help with multiple bodies

A JP from another county may apply to your commissioners court for mileage reimbursement

-Government Code Sec. 27.0545 & Code of Criminal Procedure
Art. 49.07(c)(3)

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Inquest Bench Exchange

If a county judge or a judge **from another county** initiates the inquest, that judge **must** transfer all information to the justice of the peace of the precinct where the body was found within **5 days**

That JP then completes the inquest, including the death certificate

This is **not** necessary if a JP from a different precinct in the county where the body was found does the inquest.

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What is the Process for an Inquest?

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Before you are Notified

What do you need before you ever get notified?



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Process of an Inquest



You are notified:
dispatch, law enforcement or a medical facility

Go to the scene

Gather information

Determine cause, manner, and time of death

Complete the death certificate within 10 days using the online system

Special procedure for certain inquests

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How Are You Notified?

Code of Criminal Procedure



How Death Occurred	Notification	Law
Attended by a physician who is unable to certify	Doctor, the hospital, superintendent or general manager of the hospital	<i>Code of Criminal Procedure Art. 49.04(7)(b) & (c), 49.07.</i>
Penal institution	Sheriff or other person in charge of the penal institution	<i>Code of Criminal Procedure Art. 49.18.</i>
Death requiring an inquest	Peace officer	<i>Code of Criminal Procedure Art. 49.07.</i>

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Process of an Inquest



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Go to the scene



Gather information



Determine cause, manner, and time of death



Complete the death certificate within 10 days using the online system



Special procedure for certain inquests

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Go to the Scene: Timing of an Inquest

- Conduct the death inquest immediately or as soon as practical
- What does “as soon as practical” really mean?
- But what if it’s in the middle of the night?



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Code of Criminal Procedure

Art. 49.05 Place of Inquest



(b) A justice of the peace may conduct an inquest:

- (1) at the place where the death occurred;
- (2) where the body was found; or
- (3) at any other place determined to be reasonable by the justice.

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What about FaceTime or Zoom?



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Independent Investigation

- JP has **equal** and **independent** investigation rights to law enforcement, but you can't interfere with their investigation.



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Controlling Scene

When you are on-site gathering information, you may need to control the scene by:

- Sealing the premises
- Moving the body
- Dealing with people who attempt to hinder your investigation

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Sealing Premises of Deceased

- You can lock and seal a location if the deceased had “sole control” of the location (*it is their house and no one else lived there*)
- Only a peace officer conducting an investigation into the death could enter
- It is a Class B misdemeanor to tamper with or remove this lock or seal

Code of Criminal Procedure Art. 49.22.

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Parent Viewing a Body At a Death Scene

- A deceased's parent is entitled to view their body – *even when the deceased is an adult*
- A justice of the peace **must** allow the parent to see their child, but may request that it be done away from the scene or in another appropriate manner

Code of Criminal Procedure Art. 49.52(a)&(b)



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Supervised by the JP

- A parent may not have contact with their child's body unless the parent first obtains the consent of the justice of the peace; and
- A person may not remove a medical device from the body or otherwise alter the condition of the body for purposes of conducting the viewing unless the person first obtains the consent of the justice of the peace

Code of Criminal Procedure Art. 49.52(c)



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Moving the Body

Law Enforcement and Justice of the Peace
Must Work Together



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Moving the Body



- **Must** wait until law enforcement has finished their investigation before moving a body from a death scene. “reasonable time” exception if waiting for them to start investigation
- The body cannot be moved or the surrounding scene touched (unless by law enforcement due to an emergency) until you give authorization
- Class C misdemeanor to tamper with the body or scene

Code of Criminal Procedure Arts. 49.05 (c) (e) & (f)

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Code of Criminal Procedure Art. 49.06

- (a) A person commits an offense if the person intentionally or knowingly hinders the entrance of a justice of the peace to a premises where a death occurred or a body is found.
- (b) An offense under this article is a Class B misdemeanor.



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Process of an Inquest



You are notified:
dispatch, law enforcement or a medical facility



Go to the scene



Gather information



Determine cause, manner, and time of death



Complete the death certificate within 10 days using the online system



Special procedure for certain inquests

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What Tools Do I Have To Gather Information?

- Talking to witnesses or family members on the scene or on the phone
- Reviewing records – medical or other
- Autopsies
- Other tests



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More Resources



Great inquest resources on the TJCTC website...let's take a look!

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“Evidence” Found At The Scene

- Must preserve all tangible evidence that you find while performing the inquest that “tends to show the real cause of death or identify the person who caused the death”
- Shall:
 - give it to the appropriate law enforcement agency to be stored in the agency's property room

Code of Criminal Procedure Art. 49.17 (1)&(2)



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Doctor’s Opinion

- May get the opinion of a county health officer or a physician to help you decide if you need an autopsy.
- The commissioners court must pay a reasonable fee for that consultation

Code of Criminal Procedure Art. 49.10 (a)&(b)

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Autopsy Definition



"Autopsy" means a post death examination of a person's body.

May include:

- X-rays
- Examination of internal organs after dissection
- Toxicology testing

Autopsies are done to help determine the cause and manner of death.

Code of Criminal Procedure Art. 49.01. (1)

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Deaths Fall Into 3 Autopsy Categories



Discretionary

***You Can Choose**



You *must* Order an Autopsy



You *Cannot* Order an Autopsy

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Discretion – Your Choice to Get An Autopsy

- Must decide that an autopsy is necessary or not necessary in most deaths
- If you determine that an autopsy is necessary, don't let the family or commissioners talk you out of it
- *Panel webinar has a great discussion on this*

Code of Criminal Procedure Arts. 49.10 (c)(1)&(2), 49.10 (e)(1)



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Other Tests: Full Autopsy Not Needed



- May order a physician to take or remove a sample of body fluids, tissues, or organs in order to determine the nature and cause of death.
- May not order any person other than a physician to take samples from the body of a deceased person. (exception – DWI crash)

Code of Criminal Procedure Art. 49.10 (i)

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Other Testing – Exception for Blood Draw

- If you suspect a DWI motor vehicle accident, then the following can take a blood sample **from the deceased**:
 - a qualified technician,
 - paramedic,
 - chemist,
 - registered professional nurse, or
 - licensed vocational nurse

Code of Criminal Procedure Art. 49.10 (j)



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Chemical Analysis



- May order a chemical analysis from a chemist, toxicologist, pathologist, or other medical expert to determine if death was caused by the poison or other chemical substance
- Must order if requested by the physician who performed an autopsy
 - Commissioners court shall pay a reasonable fee for the analysis

Code of Criminal Procedure Art. 49.11 (a)-(c)

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Must Request an Autopsy

- If the prosecutor directs you to order one
- For any death of a child younger than six if the death is unexpected or abuse or neglect is suspected.

Code of Criminal Procedure Art. 49.10(e)



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Cannot Request an Autopsy

- If the person dies from a communicable disease during a health disaster (Ebola, COVID-19)
- Or if the person died from Asiatic cholera, bubonic plague, typhus fever, or smallpox

Code of Criminal Procedure Art. 49.10(d)



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Process of an Inquest



You are notified:
dispatch, law enforcement or a medical facility



Go to the scene



Gather information



Determine cause, manner, and time of death



Complete the death certificate within 10 days using the online system



Special procedure for certain inquests

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How Do You Determine Cause and Manner of Death

- You use the information you gathered on the scene, off the scene, and through autopsies and tests to decide the category of the death (manner) and why the person died (cause).
- Let's break it down further on the next few slides.



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What are some examples of what cause and manner look like together?

- Cause: gunshot to the head → Manner: suicide
- Cause: drowning → Manner: accidental
- Cause: stab wound to the chest → Manner: homicide
- Cause: pancreatic cancer → Manner: natural

Remember, someone's heart stopping is not what **caused death, everyone's heart stops when they die!



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Cause of Death

- Most of the time, the cause of death is a chain of events, not one single thing.
- Use underlying causes in a chain to tell the story of what happened.
- For example, there are many reasons a person could have a heart attack.



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Heart Attack Examples

- A person could have a heart attack after using drugs.
 - a. Acute Cocaine Cardiotoxicity
- A person with high blood pressure and cholesterol could die from a heart attack.
 - a. Hypertensive and Atherosclerotic Cardiovascular Disease
 - b. Hypertension
 - c. Hyperlipidemia
- A person with heart disease could ultimately die after a heart attack.
 - a. Coronary artery thrombosis
 - b. Coronary Heart disease
 - c. Atrial fibrillation



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Underlying Causes vs. Other Significant Conditions

- Underlying causes are what starts the chain of events that cause the death.
- Significant conditions are other medical issues that may be present but didn't necessarily directly cause the death.
- Why are significant conditions even important??
 - Statistics
 - Full story
 - Further research



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Time of Death

Time of death can be as or even more important than cause and manner of death.

There are four options for Time of Death

- Actual
- Presumed
- Estimated
- Found



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Time of Death - Actual

- Actual would be used when the definitive time of death is known based on the information at hand. (video, witnessed, etc.)
- If you can determine the exact time of death use Actual.
- Actual time of death is not the time they were pronounced dead.



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Time of Death - Presumed

- Presumed would be used when the actual time is unknown due to missing information.
- If you are missing information that would allow you to determine the actual time of death, but the information you do have allows you to get close to the time, use Presumed.
- If you can get within an hour or two of death.



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Time of Death - Estimated

- Estimated would be used when the definitive time of death is not known but can be approximated based on documentation and investigation.
- If you are utilizing information that does not allow you to get a presumed time, through information from the scene or the body, use Estimated.
- If you can estimate within a several hour window



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Time of Death - Found

- Found would be used for the remains were found.
- This would be used when a body has been found after an extended period of time and the time of death cannot be presumed or estimated.
- Use this a last option for time of death.



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Determining Time of Death

What can you use to determine time of death?

- Witnesses, doctors, EMS
- Cell phones, video, other items from the scene
- 911 call
- The body



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Body Condition



Pallor Mortis - Paling of the body post-mortem.

Rigor Mortis - Stiffing of the body post-mortem.

Livor Mortis - Pooling of blood in the body post-mortem.

Algor Mortis - Cooling of the body post-mortem.

Putrefaction - Decomposition of the body.

Blood from wounds - A person stops bleeding once they are deceased.

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Pallor Mortis

- Pallor Mortis is the first stage after death, and usually begins within minutes of death.
- It is the paleness that occurs due to the lack of blood flow through the body and to the capillaries.
- More noticeable in lighter skin tones.



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Rigor Mortis

- Rigor Mortis is cadaveric rigidity, caused by a chemical change in the myofibrils of the body muscles.
- Onset in different parts of the body help determine how long the body has been deceased.
- Jaw > Neck > Trunk > Upper Extremities > Lower Extremities > Fingers and Toes
- Passes the way it came.



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Onset of Rigor Mortis

- **Area – Time Post-Mortem**
- Jaw – 1-2 hours
- Neck – 1-3 hours
- Torso – 2-4 hours
- Upper Extremities – 2-5 hours
- Lower Extremities – 3-8 hours
- Complete Rigor Mortis – 6-12 hours



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Onset of Rigor Mortis

Onset can vary in time for several reasons:

- **Ambient temperature.**
 - Slower in cold, faster in heat.
- **Mode of death.**
 - Poisonings can delay rigor mortis. Excessive muscle use can expedite rigor mortis (i.e. post work out cardiac event).
- **Age of decedent.**
 - Infants and Elderly will usually have a more rapid onset and thus pass more rapidly.



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Rule of 12 in Rigor Mortis

- Generally, rigor mortis takes 12 hours to fully develop, then remains for 12 hours, then takes 12 hours to pass.
- So, if a body feels cold to the touch and is completely flaccid the person has likely been deceased for around 36 hours.



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Rigor Mortis

- Notice the hand and fingers are rigid and pointing up against gravity.
- The body has been rolled from a prone position to a supine position.



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Livor Mortis

- Also called Lividity or Hypostasis
- Livor mortis is the pooling of the blood in the body due to gravity and the lack of blood circulation.
-
- Livor mortis begins around 30 minutes to an hour after death.



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Livor Mortis



- Notice the color of the left foot from the pooling blood and the white portions of the knees where blood could not pool due to contact.
- The body has been rolled from a prone position to a supine position.

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Algor Mortis

- Cooling of the body post-mortem.
- Algor mortis is greatly affected by the ambient temperature of the location of the body.
- Algor mortis causes the body to reach the ambient temperature around 12 to 18 hours after death. A rule of thumb often accepted is 1.5° F every hour.



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Formal Inquest



- These are very uncommon
- Kind of like a trial
- Can include witnesses and documents presented to the court
- It may include a jury
- Purpose is to aid the JP in determining cause and manner of death

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Process of an Inquest



You are notified:
dispatch, law enforcement or a medical facility



Go to the scene



Gather information



Determine cause, manner, and time of death



Complete the death certificate within 10 days using the online system



Special procedure for certain inquests

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How to Complete Death Certificates



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Orders and Death Certificates

- Shall sign the death certificate and all orders made as a necessary part of the inquest.

Code of Criminal Procedure Art. 49.16



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What Kind of Information do you Need to Complete the Death Certificate?



- Department of State Health Services (DSHS) determines the content
 - Personal information of deceased
 - Your case number
 - Date and time of death
 - Cause and manner
 - Information if death was accidental (location of accident, etc.)
 - Pregnancy status for females
 - Whether smoking had a part in the death

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Online Death Certificate System: TxEVER

Operated by the Office of Vital Statistics under the Department of State Health Services



<https://www.dshs.texas.gov/txevery/>



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Why do we use this type of death certificate reporting??



Remember...

Laws change from country to country, but a body is still a body no matter the country it is located in.

These standards can help make the information useable across the world.

- Texas death certificate are very similar to others around the world.
- In the 1940s there were international standards set to help share information.
- The CDC updates and reviews the US version every 10-15 years

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Why is this so important??

- Community health concerns
- Pensions and life insurance calculations
- Track health spending
- Track infant and maternal mortality rates
- Settling estates
- Preventing fraud
- Health research
- ***Did we miss anything??***



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TxEVER Information

- <https://www.dshs.texas.gov/vs/partners/txever-guides/>



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When and How to Complete?

- Death Certificate must be completed by the **10th day** after the inquest
- File with the local registrar of the registration district in which:
 - The death occurs; or
 - The body is found, if the place of death is not known.
- The required personal information should come from a “competent person with knowledge of the facts”
- Strong trend to include underlying information, such as drugs in the body



HSC Sec. 193.003 (A) & HSC Sec. 193.004 (A)

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How to Complete in 10 Days if Waiting on Tests or Autopsy?



- File as “Pending Investigation” in the Cause of Death Field
- Once the results of the autopsy have been determined, you can electronically amend the death certificate

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Let's look at some examples!

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CAUSE OF DEATH (See instructions and examples)

32. **PART I.** Enter the chain of events—diseases, injuries, or complications—that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology. DO NOT ABBREVIATE. Enter only one cause on a line. Add additional lines if necessary.

IMMEDIATE CAUSE (Final disease or condition resulting in death) -----> a. _____
Due to (or as a consequence of):

Sequentially list conditions, if any, leading to the cause listed on line a. Enter the **UNDERLYING CAUSE** (disease or injury that initiated the events resulting in death) **LAST**

b. _____
Due to (or as a consequence of):

c. _____
Due to (or as a consequence of):

d. _____

PART II. Enter other significant conditions contributing to the death

35. DID TOBACCO USE CONTRIBUTE TO DEATH?

Yes Probably

No Unknown

Not pregnant within past year

Pregnant at time of death

Not pregnant, but pregnant within 42 days of death

Not pregnant, but pregnant 43 days to 1 year before death

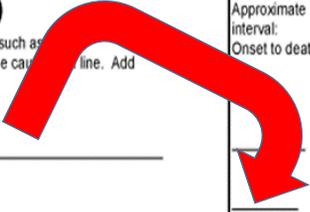
Unknown if pregnant within the past year

Natural Homicide

Accident Pending Investigation

Suicide Could not be determined

Approximate interval: _____
Onset to death _____



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Scenario 1

Woman falls from a ladder 10 feet while cleaning her windows at home. She fractures her skull.

- a. Traumatic Brain Injury
- b. Depressed Neurocranium fracture
- c. Fall from 10 feet



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Scenario 2

Man went into shock after being hit by a truck while crossing the road and fracturing his ribs, femur, and skull.

- a. Traumatic shock
- b. Fractures of the femur, ribs, and skull
- c. Pedestrian struck by vehicle



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How can we improve death certificate reporting?

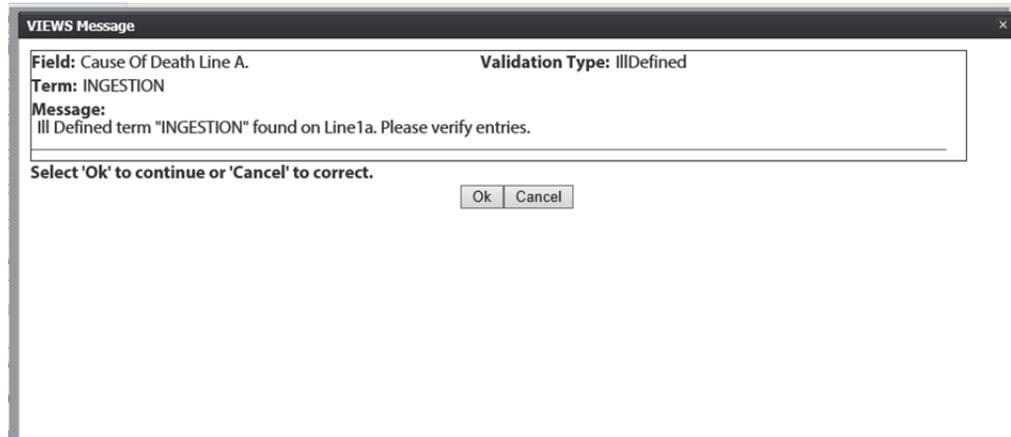
- Focus on better ways to state the cause of death
- Remember what **not** to include
- Try to be as specific as possible about a disease
 - Google!
 - Talk to a Doc!
 - Talk to another JP
 - Talk to a Medical Examiner
- Make sure to include all required info
- Tell the **whole** story!



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“VIEWS” System

Validations and Interactive Edits Web Service



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VIEWS System

- Online service from the National Center for Health Statistics and Centers for Disease Control
- Suggests better quality data
- Helps with spelling errors and suggests more descriptive terminology



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But...It is so annoying!!!

- You can just click through
- It isn't telling you that you are wrong
- Just reminding you to use the best words/terms to describe what happened
- National data is pulled by specific search terms, so using the best possible term helps researchers connect data to help people



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Examples of Things to Avoid

Never:

- old age, failure to thrive

Great for b, c, d, or Part II but not the primary cause:

- bed-ridden, anorexia, dementia

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Examples of Better Terminology

Cancer example

- *Instead of cancer or even lung cancer*
- Adenocarcinoma of the right upper lung with metastases to the brain

Abbreviation example

- *Instead of AIDs*
- acquired immunodeficiency syndrome



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Medical Terminology Resources

- [Medicinenet.com](https://www.medicinenet.com)
- [Cdc.gov](https://www.cdc.gov) (they have a mobile app too)
- *Do you have any other suggestions??*



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Death Certificates After a Disaster

- “An occurrence that has resulted in property damage, deaths, and/or injuries that overwhelms the community resources” – *Federal Emergency Management Association*
- Examples: wildfires, flooding, hurricanes



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CAUSE OF DEATH (See instructions and examples)

32. **PART I.** Enter the chain of events—diseases, injuries, or complications—that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology. DO NOT ABBREVIATE. Enter only one cause on a line. Add additional lines if necessary.

IMMEDIATE CAUSE (Final disease or condition resulting in death) → a. Asphyxia
Due to (or as a consequence of):

Sequentially list conditions, if any, leading to the cause listed on line a. Enter the **UNDERLYING CAUSE** (disease or injury that initiated the events resulting in death) **LAST** b. Smoke inhalation from Woolsey Wildfire
Due to (or as a consequence of):

c. _____
Due to (or as a consequence of):

d. _____

PART II. Enter other significant conditions contributing to death but not resulting in the underlying cause given in Part I.

Asthma

WAS AN AUTOPSY PERFORMED? Yes No
 WERE AUTOPSY FINDINGS COMPLETE? Yes No
 COMPLETE THE CAUSE OF DEATH

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CAUSE OF DEATH (See instructions and examples)

32. **PART I.** Enter the chain of events—diseases, injuries, or complications—that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology. DO NOT ABBREVIATE. Enter only one cause on a line. Add additional lines if necessary.

IMMEDIATE CAUSE (Final disease or condition resulting in death) -----> a. **Acute or exacerbated chronic kidney failure**
Due to (or as a consequence of):

Sequentially list conditions, if any, leading to the cause listed on line a. Enter the **UNDERLYING CAUSE** (disease or injury that initiated the events resulting in death) **LAST**

b. **Type II Diabetes**
Due to (or as a consequence of):

c. _____
Due to (or as a consequence of):

d. _____

PART II. Enter other significant conditions contributing to death but not resulting in the underlying cause given in PART I

Unable to receive dialysis for 6 days due to Hurricane Maria related power outage at local treatment center.

37. **MANNER OF DEATH**

Natural Homicide

Accident Pending Investigation

Suicide Could not be determined

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Types of Deaths With Unique Procedures



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Child Death



- Remember, must perform an inquest on a child if they are under 6 years old
- Specifically, to look for abuse or neglect

49.01(8) Code of Criminal Procedure

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Exceptions



- Death is expected and is due to a congenital or neoplastic disease
- Death by infectious disease and certain criteria is met
- Death is from a motor vehicle accident

Family Code § 264.513(c) & 264.514 (a)

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Reporting of a Child Death



- If you determine abuse or neglect was involved, you must immediately notify an appropriate local law enforcement agency
- and*
- Notify the county child fatality review team not later than the 120th day after the date the death is reported to you

Family Code § 264.514 (b)

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Reporting of an Unidentified Child Death

- Shall report the death to the missing children and missing persons information clearinghouse of the Department of Public Safety and the national crime information center not later than the 10th working day after the date the investigation began.

Code of Criminal Procedure Art. 49.04 (d)



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Inmate Or Jail Death

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Inmate Death

- **Must** perform an inquest if a person dies in prison (except lawful execution or natural causes when attended by a physician) or in jail
- Likely notified by the sheriff or person in charge of the institution
- The jail or prison (and potentially the Texas Rangers) will conduct their own independent investigation and they have a report to file with the state

Code of Criminal Procedure Arts. 49.04 & 49.18



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Unidentified Bodies



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Testing to Determine ID

- May order an investigative or laboratory test
 - Proper removal of a sample from a body
 - May order any person specially trained in identification work to complete any tests necessary to determine the identity of the deceased person

Code of Criminal Procedure Art. 49.10(k)



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Medical Examination

- Requires very specific information gathered by a medical expert conducting the identification examination
- May also involve a forensic anthropologist
- UNT Center for Human Identification accepts bodies

Code of Criminal Procedure Art. 49.10 (l)-(n)



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What Happens to the Body After an Inquest?

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Body Transportation

- To move a body to a funeral home (or out of state), need a **Burial Transit Permit**.
- A cemetery or crematory shall accept the permit as authorization for burial, cremation, or other disposal of the body in Texas.



25 Texas Administrative Code 181.2(b) & Texas Health and Safety Code § 193.008

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Next of Kin

- Next of kin determines where the body goes
- To determine next of kin, see (next slide):
 - Health & Safety Code § 711.002
 - If no one claims the body, JP decides what happens
 - Typically, there is a funeral home rotation list
 - County will pay for the transportation
 - Refer to your County Commissioners
 - May have an agreement with the State Anatomic Board
 - May end in a pauper's burial

Health & Safety Code §§ 691.023, 711.02, & 694.002(a)

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Health & Safety Code § 711.002

- 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

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How Are You Involved in the Cremation Process?

- 1) Sign cremation order
- 2) Sign waiver of 48-hour cremation period

Health & Safety Code §§ 761.051 & 716.004(a)

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Authority to Cremate

- Must certify that an autopsy was ordered or not needed
- Only have authority on inquests that you performed

Health & Safety Code §§ 761.051 & 716.004(a)

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48 Hour Waiver

- If the family wishes to cremate **before 48 hours**, you may be asked to sign a waiver
 - Do not have to sign the waiver if you have concerns

Health & Safety Code §§ 761.051 & 716.004(a)

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Reminder!

May not cremate if the body of a deceased **person is unidentified**

Code of Criminal Procedure Art. 49.09(e)

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Organ Donation

- May allow organ procurement with consent from the family
- Some exceptions if issues with a murder case
- More info & resources in the Deskbook!

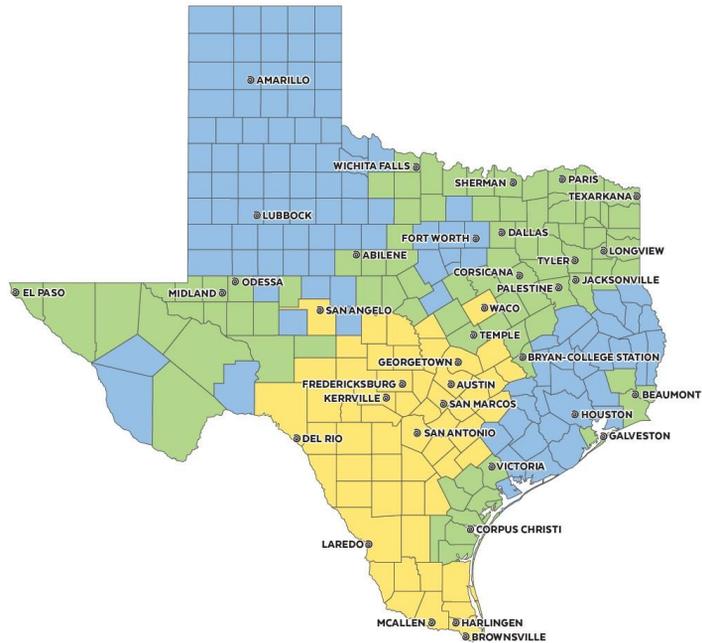
Health & Safety Code § 692A.009

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Organ Procurement Organizations

Organization	Headquarters	Phone
LifeGift	2510 Westridge, Houston, TX 77054	800-633-6562
Southwest Transplant Alliance (STA)	8190 Manderville Ln, Dallas, TX 75231	800-788-8058
Texas Organ Sharing Alliance	5051 Hamilton Wolf Rd, San Antonio, TX 78229	866-685-0277

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Partnering Tissue & Eye Banks



Organization	Headquarters	Phone
Lions Eye Bank of Texas	6565 Fannin St, Houston, TX 77030	713-798-5500
Great Plains Lions Eye Bank	3601 4 th St, Suite BAB104-HSC, Lubbock, TX 79430	809-743-2242
Miracles In Sight - Lone Star Division	102 E. Wheeler, Manor, TX 78653	800-552-9956, ext. 2009
San Antonio Eye Bank	9150 Huebner Rd, Suite 105, San Antonio, TX 78240	210-614-1209
Western Texas Lions Eye Bank	2030 Pulliam St #4, San Angelo, TX 76905	325-653-8666
Shriner Hospital Tissue Banks	815 Market St, Galveston, TX 77550	409-770-6600
South Texas Blood & Tissue Center	6211 IH 10 West, San Antonio, TX 78201	800-292-5534
Fort Worth Eye & Tissue Bank	1125 S Jennings Ave, Suite 110, Fort Worth, TX 76104	817-927-2020
United Tissue Resources	4300 N Lamar Blvd, Austin, TX 78756	512-206-1321
Transplant Services Center, U.T. Southwestern Medical Center	5601 Southwestern Medical Ave, Dallas, TX 75235	800-433-6667
Texas Donor Network	1709 E Tyler Ave, Suite 9, Harlingen, TX 78550	855-496-2108
Texas Donor Services	1607 N Main St, Pearland 77581	832-664-9644
Biograft Transplant Services, Inc.	11205 South Main St, Suite 114, Houston, TX 77025	713-840-9101

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Important Reporting Requirements

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Deaths that Must Be Reported?

Trauma injuries, including drowning and spinal injuries

Motor vehicle crashes or bridge collapse

Child abuse

Unidentified person

Communicable diseases

Aviation Incidents

Foreign Nationals

See Deskbook for full details and forms to use for reporting.

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Death of a Foreign National

- If a non-US Citizen dies in the US, they JP must notify the appropriate consulate
- This can be done by fax, email, or mail
- There is a handbook, forms, and other resources from the US Department of State & the Texas Attorney's General's Office with more details – *You can find it in the Deskbook.*



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Other reporting - Optional

Infant Death

Suicide

Consumer Protection Bureau

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Inquest Records

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Records

- Shall make an inquest record for each inquest
- All papers must be marked with the case number and be clearly indexed and be maintained in the office of the justice of the peace and be made available to the appropriate officials upon request.

Code of Criminal Procedure Art. 49.15.

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How Long Do You Keep Inquest Records

Permanently.

Code of Criminal Procedure 49.15(b) & Local Retention Schedule Record Number LC2375-02(a)-(c)

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Open Records

A JP **may not** withhold an autopsy report or other inquest record from public inspection

Op. Tex. Att'y Gen. JC-0542 (2002)

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Release of Death Certificate

- Confidentiality of a death certificate is in effect for 25 years after the date of death and may be released only to a properly qualified applicant.
- If the deceased is unidentified, it is public information 1 year after the death.

Texas Government Code § 552.115(a)(2)

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Why are Reporting and Documentation so Important?

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This Will be One of the Hardest and Most Difficult Parts of Your Job

- But it is *so important* to do it well.
- Here's how you can learn more:
 - Deskbook
 - Recordings for Credit
 - Live Webinars
 - Self-Paced Modules
 - Discussing issues with mentor judges
 - Other trainings available through TxEVER and the Office of Vital Statistics throughout the state

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