INQUESTS: AUTOPSIES & TRANSPORT

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RESOURCES

- Ch. 49, Code of Criminal Procedure
- Ch. 694, Health & Safety Code
- Ch. 264, Subchapter F, Health & Safety Code
- Sec. 716.004, Health & Safety Code
- Inquests Deskbook
INQUEST REVIEW – LEGISLATIVE CHANGES

- Inquest Bench Exchange – HB 799
- Parents Viewing Child’s Body – SB 239 (Wyatt’s Law) – *now applies to all children, regardless of age*
- DSHS provides training on child death inquest issues; timeliness of reporting, JP must report to county child fatality team within 120 days - HB 1549

INQUEST REVIEW – WHICH DEATHS REQUIRE AN INQUEST

- All “unnatural” deaths
- All “unattended” deaths
- Any where suicide or “unlawful means” may be indicated
- All deaths in jail or prison
  - Other than executions or other ‘expected’ deaths
INQUEST REVIEW – JP’S DUTIES DURING AN INQUEST

- Definition of inquest: “an investigation into the cause and circumstances of the death of a person, and a determination, made with or without a formal court hearing, as to whether the death was caused by an unlawful act or omission.” - CCP 49.01

INQUEST REVIEW – JP’S DUTIES DURING AN INQUEST

- Nowhere listed there –
  - Pronounce someone dead
  - Arrange for pauper burial – HSC 694.002
  - Keep evidence or dispose of property
INQUEST REVIEW – JP’S DUTIES DURING AN INQUEST

• JP inquest is independent of law enforcement investigation
  • Must still work together, but not rubber stamping

• Formal v. informal, finding resources to determine the answers

INQUEST REVIEW – DETERMINING CAUSE AND MANNER OF DEATH

• When are autopsies mandatory?
  • Costs? Art. 49.10(o)

• When else might an autopsy be ordered?
  • Consultation (costs?) – Art. 49.10(a),(b)

• Family issues?
  • Ch. 49, Subchapter C

• Other options to full autopsy?
INQUEST REVIEW – AUTOPSY RECORDS

- Open to public inspection
  - Gov’t Code 27.004
  - But “sealed envelope” in 49.15?? – **eliminated in 2019**
  - Court Order

INQUEST REVIEW – CREMATION ISSUES

- Authority to Cremate – Art. 49.09
  - Only on deaths subject to inquest

- Waiver of 48 hour window – HSC 716.004
  - Can sign on any death
  - Must have written policy for requesting waiver
INQUEST REVIEW – DISPOSITION OF BODY

• Moving body from the scene
  • Art. 49.05
• How does the body get to the place where autopsy will be performed?
  • Art. 49.10(h)
• How does the body go from there to the correct location?
  • Secs. 691.023 & 711.002(e), H&S Code; AG KP-0083

INQUEST REVIEW – DISPOSITION OF BODY

• Burial Transit Permit
  • When?
  • Who?

• https://dshs.texas.gov/vs/field/docs/Handbook-on-Death-Registration.pdf