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Coroners - Postmortem -
Morgues

The Coroner has charge of bodies in appropriate cases except where the State Toxicologist has been ordered in and then the two must cooperate in the investigation.

Dear Mr. Vance:

This is to acknowledge your letter of January 25, 1980 in which you asked the following questions:

"1. When the Coroner has been notified that a death has occurred, and this being a Coroner's case, who then becomes in charge of the body?

"2. Does the Coroner have the authority to remove a body from the scene to a place whereby he

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can continue his investigation in trying to establish the cause of death?

"3. Does the Coroner have the authority to order a postmortem through the State Crime Lab, as would a District Attorney?

"4. In the case of a county not having a county morgue, who would be in charge as to where the body would be held until it could be released to the family or next of kin?"

Pursuant to the Code of Alabama 1975, Section 15-4-1 which provides for the duties of the coroner, stating in part:

"(a) When a coroner has been informed that a person has been killed or suddenly died under such circumstances as to afford a reasonable ground for belief that such death has been occasioned by the act of another by unlawful means, he must forthwith make inquiry of the facts and circumstances of such death by taking the sworn statement in writing of the witnesses having personal knowledge thereof and submit the same to a judge of a court of record or a district attorney."

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And Section 15-4-2 which provides in part:

"(a) When a coroner has been informed that a person is dead in the county and that such person died without being attended or examined by a legally qualified physician, the coroner shall forthwith proceed to the place where the dead person is lying, examine the dead body to ascertain the cause of death and report same in the same manner as inquests are reported."

It clearly appears that the coroner, in a proper case, has charge of the placement of the body. This would include movement and storage of the body in order to facilitate external postmortem and autopsies performed by surgeons and physicians as summoned by the coroner pursuant to Section 15-4-2(b) and (c), Code of Alabama 1975, which reads as follows:

"(b) When a coroner is unable to determine the cause of death, he may summon any physician or surgeon, who shall make an external post-mortem examination of the dead body and report his opinion of the cause of death to the coroner in writing.

"(c) If the surgeon or physician is unable to determine the cause of death from an external post-mortem examination and the coroner

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has reasonable cause to believe that deceased came to his death by unlawful means, the coroner may in such cases order any physician or surgeon to perform an autopsy or internal examination on the dead body, and report the findings of such autopsy to the coroner in writing. (Code 1852, §814; Code 1867, §4365; Code 1876, §3993; Code 1886, §4803; Code 1896, §4926; Code 1907, §7164; Acts 1911, No. 40, p. 22; Code 1923, §4550; Acts 1927, No. 445, p. 497; Code 1940, T. 15, §78.)"

However, this area of investigation is shared with the State Toxicologist under Section 36-18-2, Code of Alabama 1975, which reads as follows:

"§36-18-2. Duties generally; maintenance, inspection and copying of reports of investigations of state toxicologist; police authority of state toxicologist and assistants.

"The duties of the state toxicologist shall be to make such investigations of deaths and crimes as are ordered by the governor, the attorney general, any circuit judge, or any district attorney in the state of Alabama, and the state toxicologist shall

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cooperate with the coroners, sheriffs and other police officers in Alabama in their investigations of crimes and deaths from unnatural causes. The state toxicologist shall within his discretion visit the scene of any crime in the state for the purpose of securing evidence for the state. The state toxicologist shall furnish a certified copy of his report of any investigation that he conducts to the person or persons who ordered the investigation conducted. The state toxicologist shall keep the original reports of all investigations that he conducts in his office. Such reports shall be public records and shall be open to public inspection at all reasonable times, and any person desiring a copy of a report shall be furnished the same upon payment of the fee now prescribed by law.

"It shall be the further duty of the state toxicologist to cooperate with the commissioner of agriculture and industries and the state veterinarian in their investigations of deaths of domestic animals in cases of suspected criminal poisoning of such animals. The

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state toxicologist shall perform such other duties as are prescribed by the governor or the attorney general of Alabama.

"The state toxicologist and his designated assistants shall exercise the same police authority as any deputy sheriff or highway patrolman in the state of Alabama. (Acts 1935, No. 225, p. 616; Acts 1939, No. 440, p. 584; Code 1940, T. 14, §388; Acts 1951, No. 124, p. 353.)"

Obviously, the rights and duties are coextensive as to both offices. As stated in the statute above, the coroner and the state toxicologist shall cooperate in the investigation where the state toxicologist has been ordered onto the case. But, where the state toxicologist has not been ordered onto the case, then the coroner has full charge pursuant to the authority and to the extent granted by the statutes.

Hopefully, this is sufficient to answer the questions you outlined.

Sincerely,

CHARLES A. GRADDICK

Attorney General

By -



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