

SECTION 25 - COURT

I. COURT - GENERAL

Any representative of the Shelby County Coroner's Office is subject to being summoned to legal proceedings to provide information relevant to the proceeding in question. Further, any portion of a Shelby County Coroner's Office investigation and any report, record or photograph produced in the course of that investigation is subject to the scrutiny of the examining or questioning body.

II. METHODS OF NOTIFICATION

When summoned to give testimony or information in any civil or criminal proceeding, the C/DC/Investigator will notify the Shelby County Coroner to record the date and review the case.

SUBPOENA: A subpoena is an order to appear and provide testimony. A subpoena must be personally served to the individual whose appearance is required unless arrangements have been made to comply without personal service, usually in the form of a signed waiver of service.

III. RESPONSIBILITY IN CRIMINAL PROCEEDINGS

Representatives of the Shelby County Coroner's Office are to be neutral presenters of the facts in any legal proceeding. The C/DC is primarily used in court hearings to initiate the chain of custody testimony. The C/DC may also be asked if he/she pronounced death. Another component of testimony may be the description of the scene as the C/DC saw it and a description of the body as the C/DC saw it. Finally, any documents generated by the C/DC, including photographs taken by the C/DC or in his/her presence can be used. This entire process sets the forthcoming testimony of the pathologist, who must rely on the information supplied by the C/DC for identification of the body as that of the deceased. In some instances (usually grand jury) the C/DC may be asked to read the opinion of the pathologist from the Autopsy Report. When summoned to criminal proceedings, the C/DC should not hesitate to telephone the attorney in charge to ask what testimony will be required.

IV. RESPONSIBILITY IN CIVIL PROCEEDINGS

Although the same type of information is required in civil matters, the rules of evidence differ from criminal and other hearings. The proceedings are less formal and structured than in criminal proceedings. Attorneys for both plaintiff and defendant may subpoena the C/DC, and the information provided should be the same. As in criminal proceedings, the C/DC should not hesitate to call the attorney in charge to ask what testimony will be required.

Interview: A request for information either in person, on the telephone or with a letter can constitute an interview. Deputy Coroner's should not hesitate to ask the purpose of such a query and can take steps in assuring one knows the identity of the person asking for information. Interviews or information gathering sessions are to be considered part of the legal process as far as information content.

Deposition: A deposition is a formal statement made through a prescribed set of questions outside of a courtroom setting. Only the summoning attorney and court reporter are present. Such a deposition can take place in a location other than where the fatal episode occurred. When travel and lodging are required, all details for reimbursement should be made prior to the deposition.