

**BUTTE COUNTY SHERIFF'S OFFICE  
DEPARTMENTAL ORDER**

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**TO:** ALL PERSONNEL

**FROM:** SHERIFF-CORONER

**SUBJECT:** CORONER'S INQUESTS

**DATE:** March 3, 2005

**REFERENCE:** Government Code - Sections 27491.1, 27491.6, 27491.7, 27492, 27494, 27501, 27502, 27505.2, 27503, 27504.1, 27505 and 27511.  
Code of Civil Procedure - Section 613.  
Penal Code - Section 5021

**PURPOSE:** To establish and publish procedures to be followed when conducting an inquest.

**BACKGROUND:** Effective immediately, the following action and procedures shall be implemented:

- (a) The Coroner may, at his discretion, if the circumstances warrant, hold an inquest, and he shall hold an inquest if requested to do so by the attorney general, the district attorney, sheriff, city attorney, or a chief of police of a city in the county. Such inquest shall be held with or without a jury, at the coroner's discretion and shall be open to the public.
- (b) To hold coroner's inquests with or without jury so to render verdicts of death and to provide the findings of the inquest to the appropriate agency when required.

Distribution "A"

(REV/05)

# DEPARTMENTAL ORDER (CONTINUED)

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- a) In each officer-involved death or deaths involving individuals legally acting on the behalf of law enforcement; occurrences while a decedent in the custody of a law enforcement officer, or when the decedent is incarcerated in the Butte County Jail or in any other County confinement facility or any other law enforcement confinement facility; occurrences within a 24-hour period following a decedent's release from jail or other confinement facility, unless for obvious reasons, the death is not associated to the jail or other confinement facility.
- b) All cases requested to be inquested by the State or County Health Departments when those cases involve individuals who have demised in any facility under said Department's jurisdiction, such as convalescent hospitals, shall be inquested.

**PURPOSE:** The purpose of any inquest is to determine factually the findings of the death so to render a verdict of death. If the circumstances warrant, the coroner may hold one inquest per death or one inquest for more than one decedent if they died of the same cause at the same time and in the same incident. The coroner may hold an inquest with or without jury. If the inquest is by jury, the coroner may use between six (6) and fifteen (15) jurors. Upon deliberations, at least three-fourths of the jury must agree to the verdict. The inquest is open to the public and the coroner may adjourn the inquest from time to time as may be necessary. The testimony given by witness at the inquest are reduced to writing or recorded either by shorthand or by a mechanical recording device, and a transcribed copy must be filed with the coroner or county clerk within ten (10) days of the completion of the inquest. The coroner, his authorized deputy or a hearing officer conducts the inquest.

The inquest's findings will result in a verdict which is inadmissible as evidence in any criminal or civil proceeding. The verdict sets forth the name of the deceased, the date, time, and place of death, the medical cause of death, and whether the death was by natural causes, suicide, accident, undetermined or by the hands of another person other than by accident.

**ACTION:** Effective immediately, the following procedures shall be implemented:

A. Inquest without jury

1. Coroner's inquests are normally conducted informally, without jury, by the chief deputy coroner who is the coroner's authorized deputy.
2. Inquests without jury are not a scheduled event, they shall only occur after the death investigation is completed, when submitted to the chief deputy coroner for final review.
3. The inquest without jury consists of a final case file review of all available material pertaining to the death.
4. If additional information is needed in order to reach a verdict, the case file for the death is returned to the deputy coroner with instructions on what is needed for completion. The inquest is suspended until the information is provided, then a verdict of death is rendered.
5. After the verdict of death is rendered, the death certificate is amended when required.
6. All investigative information pertaining to the death is confidential until the verdict of death is rendered, after which it becomes public information.

- B. Inquest by jury
1. The Coroner, at his discretion specifically orders an inquest by jury.
  2. The decision for the inquest by jury must be made without delay, as soon as practical, because inquests by jury require much preparation.
  3. The death certificate will be filed as “Pending” for the cause of death and for the manner of death until the verdict of death is rendered.
  4. Information obtained through the coroner’s investigation will be kept confidential so not to prejudice the public before the inquest by jury.
  5. Important factors for having an inquest by jury are:
    - a. To inform the community of all the circumstances of the death;
    - b. To inform the community about the coroner’s obligations;
    - c. To allow the community to take part in the coroner’s function;
    - d. To empower the community to make decisions and render verdicts of death.
  6. Citizens who are jurors normally lack sufficient knowledge about the causes, modes or manners of death. They generally have limited medical knowledge. The jury must be provided with sufficient information so they may render the appropriate verdict of death. The information provided to the jury must be unbiased.
- C. Preparation for the inquest by jury (normally prepared by the chief deputy coroner or designee)
1. Review the case file and ensure that the case is complete. If the case is incomplete, the inquest by jury is suspended until all needed investigation is completed. This includes but is not limited to:
    - a. The completed and approved field coroner’s report.
    - b. Coroner’s supplemental report narratives.
    - c. Autopsy report and supplementals.
    - d. Toxicology reports.
    - e. Associated forensic reports.
    - f. Witness’ statements
    - g. Applicable law enforcement reports.
    - h. Nursing, fire rescue, and paramedic reports.
    - i. Medical records, and applicable mental health records.
    - j. Any other report or record that is relevant to the death.
  2. Determine the essential witnesses, construct the witness list in a sequential or chronological order, and conduct pre-hearing interviews.
  3. Set a date and time for the inquest by jury.
  4. Secure a court room, preferably in the community in which the deceased resided.
  5. Issue and serve subpoenas for the witnesses and records. Maintain the record of service.
    - a. If a witness is unable to attend, obtain a sworn deposition.
    - b. Case investigator may provide hearsay testimony at the inquest.

6. Notify by letter the following persons or entities, informing them of the date, time, and location of the inquest.
  - a. Sheriff-Coroner;
  - b. Relatives of the decedent;
  - c. Applicable law enforcement agency head and city attorney;
  - d. District Attorney and County Counsel;
  - e. Superior Court Jury Commissioner;
  - f. Grand Jury Foreperson
  - g. Court Reporter
7. Issue media release announcing the inquest and include, name of the decedent, date, time and location of the inquest.

## D. The Inquest by Jury

1. Overview
  - a. Inquests are not a criminal or civil proceeding. The rules that pertain to criminal or civil proceedings are generally not applicable, however, there are specific laws that are applicable. Most of the applicable laws are found in the Government Code.
  - b. Inquests are not adversarial. Attorneys that represent involved parties are not allowed to verbally ask questions. The attorneys may direct their questions, in writing to the hearing officer, who may or may not decide to allow the question or questions. If the question or questions are relevant the hearing officer may direct the question to the witness.
  - c. Witnesses shall be sworn before giving testimony.
  - d. Hearsay is admissible but direct testimony is preferred unless otherwise justified.
  - e. It is only necessary to provide enough evidence in order to reach a verdict by three/fourths.
  - f. It is advisable to use multiple witnesses in the event one witness is found to be unreliable, untruthful or is unable to effectively convey his or her information.
  - g. The most logical way for the authorized deputy to present the case to the jury is by using witnesses and evidence in a sequential order respective to the circumstances leading up to the death, during the death, and after the death.
2. Jury Selection
  - a. Superior Court Jury Commissioner provides the jury panel.
  - b. Introduce yourself, reporter, and clerk.
  - c. Explain the purpose of the proceeding and a brief outline of the death.

- d. Oath of Venure to entire panel.
  - e. Select eighteen jurors using the juror wheel.
  - f. Voir dire the jury. The voir dire process is used to obtain an impartial jury, by eliminating;
    - (i) anyone who has close ties with the involved agency;
    - (ii) any juror that has developed an opinion in the case;
    - (iii) and eliminate any juror who knew the decedent or is close friends to the family, or the friend of a friend to the family.
  - g. Swear jury panel of six(6) to fifteen(15) jurors.
3. Evidence presentation.
- a. Most evidence will come in the form of testimony. Questions should be specific to achieve the desired answers.
    - (i) Pre-trial all witnesses
    - (ii) It is appropriate to allow witnesses to refresh their memories by reviewing reports on the stand. When a report is going to be used as an exhibit, the author should read applicable portions to the jury.
    - (iii) Hearsay testimony requires a foundation as to who provided the information to the witness, when the information was obtained, and where the information was obtained.
    - (iv) Depositions from witnesses, should be read by the case investigator under oath.
4. Exhibit Use
- a. Exhibits should be previously marked.
  - b. Caution the jury prior to showing grossly graphic exhibits.
  - c. Diagram exhibits shall be placed close to the witness and in full view of the jury. When testifying, the witness shall verbally explain to the jury what the diagram depicts and use reference points.
  - d. After the witnesses have testified to small exhibits, the exhibits shall be passed to the jury for inspection and upon completion, returned to the clerk.
5. Attorneys of interested parties.
- a. Attorneys for interested parties may submit questions in writing to the hearing officer.
  - b. Questions shall be reviewed for relevance
  - c. The hearing officer shall then advise the witness to answer or not answer the question after it has been read and put into the record.
6. Bailiff duties.
- a. Assemble the jury in the courtroom.
  - b. Call the inquest to order when requested by the hearing officer.
  - c. Arrange for transportation for the jury to view scenes.
  - d. Care for the needs of the jury and ensure jury security.
  - e. Safeguard evidence, and produce exhibits when requested.
  - f. Remain in close proximity but outside the presence of the jury when deliberating.