



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

December 16, 1996

Aaron D. Madden
Chief of Police
Chester Police Department
2740 Dawson Drive
Chester, South Carolina 29706

Re: Informal Opinion

Dear Chief Madden:

You have asked whether a coroner may use a blue light and whether a coroner possesses the authority to show up at a non-fatal accident when not called to the scene.

With respect to your first question, I have enclosed a copy of an Opinion of this Office, dated June 27, 1991 which addresses the issue. Such Opinion interprets S.C. Code Ann. Sec. 56-5-4700 (C) which provides that it is unlawful to possess any flashing, oscillating or rotating blue light on any vehicle except one "used primarily for law enforcement purposes." We concluded that

[i]n as much as a coroner is considered in limited respects to possess certain law enforcement authority, it appears that a coroner in going to and returning from his actual duties as a coroner may use a blue light in that vehicle. Of course, this authority should not be construed as granting coroners law enforcement authority generally.

With respect to your second question, you wish to know whether a coroner may investigate a non-fatal accident when not called to the scene. Of course, this Office is not

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authorized to make factual findings, Op. Atty. Gen., Dec. 12, 1983 and thus anything I say herein should not be deemed to comment upon any specific fact situation.

However, I would note that Section 17-7-10 of the Code provides that "[t]he coroner of the county in which a body is found dead ... shall order an autopsy or post-mortem examination to be conducted to ascertain the cause of death." Moreover, it is generally recognized that "[t]he coroner has the duty to determine and certify causes of death for proper classification, whenever a body is found ... and to investigate and determine whether decedent has died from violent, unexplained causes or under suspicious circumstances." 18 C.J.S., Coroner, § 8. As was stated by our Court in Giles v. Brown, 1 Mill Const. 230, the coroner's judicial duties at common law related to inquiries into cases of sudden deaths at the place where the death happened. And as we noted in an Opinion dated April 22, 1968

[e]ach county in the State has a coroner whose duty it is to hold investigations, termed inquests, in order to determine the cause of deaths which occur in the county. The coroner is not required to hold an inquest in the case of every case, but only in those cases where he decides initially whether there ought to be a trial or whether blame probably attaches to any living person for the death. In the case of a killing, such as by accident or by traffic fatality, a coroner's inquest is usually held to determine the cause of death, and if anyone is criminally responsible for such death the result of the inquest will be to cause the arrest of that individual.

Thus, it is clear that as a general matter, a coroner's jurisdiction, involves the death of an individual.

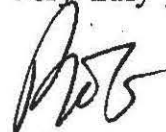
I have enclosed a copy of an Informal Opinion that I wrote, dated March 22, 1995, which summarizes the relationship between the duties of coroners and law enforcement officers investigating a crime or accident scene. As you can see from this Informal Opinion, it is important that coroners and law enforcement officers cooperate and work together fully in carrying out their respective duties, each giving full respect and deference to the work of the other.

This letter is an informal opinion only. It has been written by a designated Assistant Deputy Attorney General and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

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With kind regards, I am

Very truly yours,

A handwritten signature in black ink, appearing to read 'RDC', is written over the typed name.

Robert D. Cook
Assistant Deputy Attorney General

RDC/ph

Enclosures