

1973 WL 26944 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 31, 1973

*1 Mr. Billy Newton
Detective Division
Anderson Police Department
Anderson, South Carolina

Dear Mr. Newton:

I am enclosing herewith a letter dated February 22 and directed to the Department of Pathology at the Medical University, which recites that 'neither the coroner nor the police department head has exclusive jurisdiction in the investigation of violent or unexplained deaths occurring within their jurisdictions.'

It is my opinion that where law enforcement officers are investigating an incident with a view to establishing whether any violation of law has been committed, the coroner, in normal circumstances, should, where immediate action by the police officers is indicated, defer to the investigation by the police officers, and that where no immediate action by the police officers is required, that the law enforcement officers should defer to the coroner to enable him to carry out his duties. There is no precise answer as to which officials have primary jurisdiction, but the circumstances of each case must determine the priority of investigation. The basic answer to the question can only be that the law enforcement officers and the coroner must work together and in cooperation. The findings and determinations of each branch can often materially assist the other in the performance of their respective duties, and therefore the priority of jurisdiction should not arise. If it does arise, the only answer that I can give is that the immediate investigative needs of each must be weighed in the light of the circumstances existing, and one should defer to the other as those circumstances dictate.

There can be no cut and dried or precise answer to this problem, as in many other areas of conflicts of authority, but they must be resolved case by case, with the primary and sole objective of each being able to fulfill its proper functions.

With best regards,
Very truly yours,

Daniel R. McLeod
Attorney General

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