

## **CORONERS COURT AND INQUESTS**

### **Q: What Is a Coroner?**

**A:** A Coroner is an independent judicial officer. Magistrates having jurisdiction over a Summary Court are appointed to be Coroners to investigate certain deaths.

### **Q: What do Coroners do?**

**A:** Coroners investigate deaths within the jurisdiction of the Cayman Islands and if they have reason to suspect that the death has been:

- Sudden
- Violent or unnatural
- Cause of death is unknown
- Happened whilst a person was in detention or custody or in circumstances which warrant an investigation
- By suicide (?)

Where necessary, the Coroner will order an autopsy and will hold an Inquest.

### **Q: Who Calls The Coroner?**

**A:** A death may be reported to the Coroner by any person, including the police, doctors and hospitals, or private individuals.

### **Q: Why Do Police Investigate?**

**A:** Because the Police Department responds to all emergency calls, they are often first on the scene. Their special training and expertise enable them to gather information and provide services that allow the Coroner to carry out as thorough an investigation as possible.

### **Q: Is Consent Required For an Autopsy?**

**A:** No. An autopsy is a medical examination of the body after death in order to determine the medical cause of death.

The specialist doctor who conducts the autopsy will prepare a report for the Coroner. A copy of this report may be requested from the Coroner.

If there are objections to an autopsy the Coroner will explain the need and may consider a special autopsy in certain circumstances (e.g. for religious purposes).

However, the decision remains that of the Coroner.

### **Q: Is An Autopsy Required In Every Case?**

**A:** No. The Coroner will be guided by the information provided at the time death is reported and the circumstances surrounding death.

### **Q: Who Performs The Autopsy?**

**A:** The Coroner directs a qualified specialist in Pathology to conduct the examination.

### **Q: Will An Autopsy Delay Funeral Arrangements?**

**A:** Generally, No. The Coroner in most cases will release a body for burial after the receipt of an Interim Autopsy Report.

However, if there are outstanding issues arising from the investigation which is essential to an Inquest, then the Coroner may delay the release of the body until such time that satisfactory answers are provided.

### **Q: If There Is An Inquest, Does The Family Have To Attend?**

**A:** The next of kin is always notified of the date of the Inquest, but is not compelled to attend unless called as a witness.

### **Q: What is the purpose of an inquest?**

**A:** The inquest is an inquiry to find out **who** has died, **when** and **where** they died, and **how** death occurred. It provides the necessary particulars for registration of death with the Registrar of Births and Deaths.

An Inquest does not apportion blame and its procedure is investigatory and not litigious.

### **Q What happens if somebody has been charged with causing the death?**

**A:** Where a person has been charged with causing someone's death, the Director of Public Prosecutions shall notify the Coroner who shall stay the inquest pending the outcome of the criminal case.

Where an inquest is stayed and thereafter any person is convicted of an offense by which the death of the person upon whom the inquest was being held was brought about, the Coroner shall make in the record a note of all details of the conviction and shall close the inquest.

**Q: Who is an "interested person"?**

**A:** The following persons are "interested persons" under law:

- A parent, spouse, child, or near relative of the deceased;
- A beneficiary under a policy of insurance or the Insurance company;
- A person whose act or omission or that of his agent or employees may, in the opinion of the Coroner, have caused or contributed to the death of the deceased;
- Any other person who, in the opinion of the Coroner, is a properly interested person.

**Q: Will the Inquest be reported in the papers?**

**A:** As all inquests must be held in public, and any person may attend, the media may be present and the matter may be reported. The Coroner will take steps to ensure that the matter is treated respectfully.

**Q: Can a death certificate be requested before the inquest is concluded?**

**A:** Not normally. However, the Coroner may provide an interim certificate of the fact of death so as to assist the personal representatives in looking after the estate.

After an Inquest a Death Certificate may be requested from the Registry of Births and Deaths.

**Q: How Can I Obtain Information?**

**A:** An interested person may request documents with the Coroner before, during and after an Inquest.

There may be delays depending on the investigatory stage. The Coroner's Clerk will ensure that timely responses are provided, and to inform of latest developments where there has been a significant delay.

Copies may attract a fee.

A signed [Application for Access to Documents](#) must be submitted with the necessary information.

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