

Q.

Describe the medicolegal rationale for manner of death, and describe the processes in which the manner of death is assigned by:

1. Coroner, as defined by the National Coroner's Service act no 17 of 2017.
2. Magistrate and other judicial officers, as defined by the Criminal Procedure Code and the Inquest Act

A.

The medicolegal rationale for the manner of death is used to describe any uncertain or ambiguous suspicious death which must be investigated and these include investigating any unexpected death, sudden or violent type of death (Science, 2019). Any medicolegal investigation is done to those usually include persons who were in detention centers or jails who were in good health, or those individuals who were poisoned, suicides, those who were undergoing medical treatment or those who died less than 24 hours after admission to the hospital, famous individuals who were involved with an accident. The best way to investigate any death is by doing an autopsy, this is an investigation which is performed by a pathologist or a medical officer and they are able to determine the cause of death. Also during any medicolegal investigation a legal authority such as a police officer is present at the site of a supposedly crime scene so that they are able to contribute to any information which might be important to the investigation (Science, 2019). The following are the steps done in a medicolegal autopsy i.e.

- 1) Inspection of the scene of death
- 2) Recognition of the body and appropriate tagging of the body
- 3) External examination of the body
- 4) Dissection and internal examination of the body and verbal recording of the autopsy
- 5) Any toxicological examination of the biological body fluids, tissues and organs.

The medicolegal death investigation is a system which is responsible for conducting any death investigations and verifying the timing, the cause and manner of any peculiar or unexplained deaths (Hanzlick, 2003).The medicolegal investigator for death also performs scene investigations where the information is used and allows to be developed from the deceased and also helps determine the extent of whether further investigations is necessary. The medicolegal investigators have a combined knowledge and skills which incorporates the areas of law and medicine (ABMDI, 1999).

Investigations of any sudden death or those that cannot be explained are mostly done through a public Inquest which is established under the Criminal Procedure Code, and one of the oldest services to the public is the coroner service. A coroner is any person with certain qualifications that can be able to carry out the duty to investigate the cause of any death which occurred due to any unnatural causes (KNCHR, 2017)

The National Coroner's Service Act functions are to establish and to provide for its power and its functions and help create a good outline for determining the cause of any reported unnatural deaths in the country. It also ensures that any death under the service which has the responsibility of conducting the investigation is properly investigated in a very timely manner. The deaths that are reported to the service are violent deaths, deaths by any unfair means, during pregnancy and any sudden deaths, deaths as a result of child abuse, deaths which occur in any institutions with children facilities or a mental hospital. The coroner is given the authority to collect forensic materials and other relevant evidence for the death that is being investigated; however the coroner is not involved in those cases where the person died due to any natural illness or cause. Once the death of a person has been reported it starts a chain of processes where a definite exit is made to identify the cause, timing and the manner of death (Alfsen, 2013). In cases where the death reported is not under any sort of blame or suspicion, the inquiries done by the coroner are confirmed and are shown that the death was natural and issues a report. In other cases an inquest is acquired and a process which involves retention of organs or tissues for analysis is done, and this process may take a few weeks. The main purpose of the investigation of the reportable death is to determine the particulars of the deceased, how and where did the deceased die, any manner or cause of the death, any measures which are required to prevent any similar deaths in the future. After the report has been concluded the report is shared with the relevant authorities and any persons related to the deceased, the insurer or other authorities (KNCHR, 2017).

In the investigations for any criminal purposes or subsequent prosecution of an offence, the coroner submits a report to the national police service or any relevant authority within the twenty four hours of the report of the death and this report would be used as primary evidence on the cause of the death which was investigated (Stark, 2000).

An inquest is defined as an investigation in the cause of death of the person and a determination is made with or without any court hearing or proceedings as to determine whether the death was due to any un-lawful act (Baker, 2002). An inquest report is prepared under the

Code of the Procedure which is conducted to create a record of crime which forms a very important foundation for determining an offence. This report is conducted to look into the causes of the unnatural death and any circumstances have to be examined by those conducting the investigations of the death. The purpose of the inquest is to ascertain the cause of the unnatural death and this is used to establish facts which can be used to capture and punish the offender who has committed against the State (Bahl, et al., 2018). The coroner classifies the manner of death as natural or unnatural. Under unnatural, the manner of death is further subdivided into accidental (operative mortality, medical misadventure) and homicide (intentional).

According to the Criminal Procedure Code, a magistrate or a judicial officer is authorized to conduct an inquiry into the cause of death and they can be able to hold an inquiry in addition to the investigation of death which is held by the police officer. In the inquiry conducted by the magistrate, they record the evidence, which they have taken, in connection with the circumstances of the case.

In cases where the dead body has been laid to rest, the magistrate can disinter the corpse and is authorized for any examination to take place. Under the Criminal Procedure Act, the magistrate who is conducting the inquest is allowed to inform and request the relatives of the deceased person to remain present at the inquiry. The magistrate is allowed to send the body of the deceased for examination to a surgeon or a medical officer who is appointed by the State (Sehgal, 2020).

REFERENCES

1. ABMDI, 1999. *FAQ*. [Online]
Available at: <https://www.abmdi.org/faq>
[Accessed 20 April 2021].
2. Alfsen, G. C., 2013. "Medical autopsies after deaths outside hospital". *Tidsskrift for den Norske Laegeforening.*, 133(7), pp. 756-759.
3. Bahl, D. N., Bahl, D. N. & Pant, M. A., 2018. *Inquest of Inquest Report*. [Online]
Available at:
https://amity.edu/UserFiles/aibs/c7a42018_Amity_International_Journal_of_Juridical_Science_007.pdf
[Accessed 20 April 2021].
4. Baker, J. H., 2002. *An Introduction to English Legal History*. 4th edition ed. London: s.n.
5. Hanzlick, R., 2003. OVERVIEW OF THE MEDICOLEGAL DEATH INVESTIGATION SYSTEM IN THE UNITED STATES. *Medicolegal Death Investigation System*, pp. 7-11.

6. KNCHR, 2017. *A HANDBOOK ON THE NATIONAL CORONER SERVICE ACT*. [Online]
Available at:
http://www.knchr.org/Portals/0/Handbook%20On%20The%20National%20Coroners%20Service%20Act%2C%202017_2018.pdf
[Accessed 20 April 2021].
7. Science, W. o. F., 2019. *Medicolegal Death*. [Online]
Available at: <https://www.encyclopedia.com/science/encyclopedias-almanacs-transcripts-and-maps/medicolegal-death>
[Accessed 20 April 2021].
8. Sehgal, D. R., 2020. *Inquest Report under the Code of Criminal Procedure*. [Online]
Available at: <https://blog.ipleaders.in/inquest-report-code-criminal-procedure-1973/>
[Accessed 20 April 2021].
9. Stark, M., 2000. *A physician's guide to clinical forensic medicine*. Totowa: Humana Press.