

LAW LIBRARY  
ARIZONA ATTORNEY GENERAL

Opinion No. 63-63-L  
R-180  
May 3, 1963

REQUESTED BY: The Honorable CHARLES N. RONAN  
Maricopa County Attorney

OPINION BY: ROBERT W. PICKRELL  
The Attorney General

QUESTIONS: 1. Does a Justice of the Peace have jurisdiction on Arizona State Hospital grounds in regards to Coroner's cases?

2. Does the Maricopa County Sheriff's deputies or Phoenix Police, either or both, have jurisdiction in regards to investigation of Coroner's cases on State Hospital grounds?

ANSWERS: 1. Yes, as limited.

2. Yes, as limited.

A.R.S. § 22-501 reads as follows:

" . . . Justice of the Peace as coroner

"Each justice of the peace shall be ex officio coroner within his precinct, any other justice of the peace in the county may act as coroner therein."

The jurisdiction of the coroner within the justice of the peace precinct is set forth in A.R.S. § 22-511.

" . . . Duty of coroner to investigate certain deaths; jury of inquest

"When a coroner is informed that a person has been killed, or has committed suicide, or has suddenly died under such circumstances as afford reasonable ground to suspect that the death was occasioned by the act of another by criminal means, the coroner shall go to the place where the body is located, and forthwith

summon not less than six nor more than twelve persons, qualified by law to serve as jurors, to appear before him forthwith at the place where the body of the deceased is located to inquire into the cause of the death."

There is no exception to the coroner's jurisdiction, founded upon the location of the body at the time of death, in or upon the property of the state. A qualification of the coroner's jurisdiction does appear, however, upon the basis of whether or not there is a reasonable ground to suspect that the death was occasioned by the act of another by criminal means. *Id.* This last stated conclusion may be obscure to the uninitiated. This is because the jurisdiction of the coroner, in cases of suicide, terminates upon the establishment of that fact. The following cases hold, in gross, that the jurisdiction of the coroner is for investigative purposes only. *Marvin v. Miller*, 154 Penn. Super. 75, At1.2d 781; *Crenshaw v. O'Connell*, Miss. 1941, 150 S.W.2d 489. The construction of statutes relating to coroners, and the history thereof, leans heavily upon the common law. C.J.S. §§ 12, 15.

The jurisdiction of the coroner is, therefore, for investigative purposes, and does not arise unless there is reason to suspect that the death was the result of crime.

On the other hand, it does not appear that absolute jurisdiction over the state hospital is granted to the superintendent thereof.

"36-206. Duties of superintendent; estimate of per capita maintenance charges

"A. The superintendent shall have charge of the state hospital and supervise and direct its activities, subject to the provisions of law and the rules and regulations of the board. He shall be directly responsible to the board for carrying out the purposes for which the hospital is maintained."

It appears that the authority of the superintendent of the Arizona State Hospital is circumscribed by the provisions of law pertaining to the justices of the peace, among others.

Opinion No. 63-63-L  
R-180  
May 3, 1963  
Page 3

A fine balance must be obtained to determine which of the functions, or authorities, or jurisdictions, is most necessitous at any particular time. Perhaps no state institution requires continuing supervision so much as does our state mental institution. The exercise of the coroner's jurisdiction must, under certain circumstances or exigencies, take a secondary role.

In like manner, it may be said that the jurisdiction of the police of the City of Phoenix extends to the Arizona State Hospital grounds. In like manner, however, except where an emergency is established and communicated by the superintendent or his agency, the jurisdiction of the police of the City of Phoenix, within hospital grounds and wards, must assume a secondary role. This is only to say that the security, treatment, and safety of the patients at Arizona State Hospital is primarily the responsibility of the superintendent thereof. Law enforcement, by agencies not necessarily acquainted with the needs or problems attending the mentally sick, must necessarily depend upon the co-operation of the hospital administration.

We trust that this answers your questions.

  
ROBERT W. PICKRELL  
The Attorney General

RWP:RSM:to:nt