



---

National Institute of Justice

# **Forensic Death Investigation Symposium**

June 7-9, 2010

The opinions and conclusions expressed in this document are solely those of the authors and do not necessarily reflect the views of the U.S. Department of Justice.

NCJ 249252

# Forensic Death Investigation Symposium

Coroners, medical examiners, medicolegal death investigators, officers of the court and other forensic science practitioners gathered at the Forensic Death Investigation Symposium to discuss the current and future needs of the forensic death investigation community. The symposium was held in Scottsdale, Ariz., on June 7-9, 2010.

Participants explored communication concerns; legal and ethical issues; education, training and certification programs; technology; and areas for future research in death investigation. They also discussed issues raised in the National Academy of Sciences report "Strengthening Forensic Science in the United States: A Path Forward."

The symposium was sponsored by the National Institute of Justice in partnership with the National Center for Forensic Science at the University of Central Florida.

View summaries of sessions:

- [Enhancing Policy and Practice](#)
- [Navigating Legal Issues](#)
- [Leveraging Technology](#)
- [Communication Breakdown](#)
- [Educating, Training, and Certificate Programs](#)

See also:

- [Read the Agenda of the Forensic Death Investigation Symposium.](#)
- [Read the National Academy of Sciences report, Strengthening Forensic Science in the United States: A Path Forward \(pdf, 350 pages\).](#)
- [View NIJ-funded awards related to: Pathology, Investigations](#)

[Back to Top](#)

## Forensic Death Investigation Symposium Agenda

### Welcome and Opening Remarks

- Michael G. Sheppo, Director, Office of Investigative and Forensic Sciences, National Institute of Justice, U.S. Department of Justice, Washington, D.C.

### Keynote Address

- Moderator: Ronald S. Reinstein, Judge (retired), Superior Court of Arizona, Arizona Supreme Court, Phoenix, Ariz.
- Presenter: James Downs, Coastal Regional Medical Examiner, Georgia Bureau of Investigation, Savannah, Ga.

Panel Discussions:

### **National Academy of Sciences Report**

#### **Panelists:**

- Moderator: Joseph P. Bono, President, American Academy of Forensic Sciences, Indianapolis, Ind.
- O'dell M. Owens, President, International Association of Coroners and Medical Examiners, Cincinnati, Ohio
- Lakschmanan Sathyavagiswaran, Chief Medical Examiner-Coroner, Los Angeles County Department of Coroner, Los Angeles, Calif.
- Jay Siegel, Director, Forensic and Investigative Science Program, Indiana University Purdue University, Indianapolis, Ind

[Read a summary of the panel.](#)

### **National Missing and Unidentified Persons (NamUs) in the Limelight (Working Lunch)**

#### **Panelists:**

- Billy Young, NamUs Coordinator, National Forensic Science Technology Center, Largo, Fla.
- Bruce E. Anderson, Forensic Anthropologist, Pima County Office of the Medical Examiner, Tucson, Ariz.

### **Forensic Death Investigation: A Systematic Approach for Enhancing Policy and Practice**

#### **Panelists:**

- Moderator: Christine M. Cole, Executive Director, Program in Criminal Justice, Harvard University Kennedy School of Government, Cambridge, Mass.
- Barbara A. Butcher, Chief of Staff and Director of Forensic Science Training Program, Office of Chief Medical Examiner, New York, N.Y.
- P. Michael Murphy, Coroner, Clark County Office of the Coroner/Medical Examiner, Las Vegas, Nev.
- James Downs, Coastal Regional Medical Examiner, Georgia Bureau of Investigation, Savannah, Ga.
- Chris E. Taylor, Supervisory Chemist, U.S. Army Investigation Laboratory, Forest Park, Ga. and Co-chair, Certification, Accreditation and Licensing Interagency Working Group, National Science Technology Council, Committee on Sciences, Subcommittee on Forensic Science

[Read a summary of the panel.](#)

Breakout Sessions:

### **Navigating Legal and Ethical Issues in Death Investigation**

#### **Facilitators:**

- Scott M. Grim, Coroner, Lehigh County Coroner's Office, Allentown, Pa.
- Mark Fischione, Chief Medical Examiner, Maricopa County, Phoenix, Ariz.
- George "Woody" Clarke, Judge, San Diego Superior Court, San Diego, Calif.

- Moderator: Ronald S. Reinstein, Judge (retired), Superior Court of Arizona, Arizona Supreme Court, Phoenix, Ariz.

[Read a summary of the session.](#)

### **Leveraging R&D and Technology in the Death Investigation Community**

#### **Facilitators:**

- Jeffrey Salyards, Program Manager, Science and Technology, U.S. Criminal Investigations Laboratory, Ft. Gillem, Ga. and Co-chair, Research, Development, Testing and Evaluation Interagency Working Group, National Science Technology Council, Committee on Science, Subcommittee on Forensic Science
- Debra L. Karch, Lead Behavioral Scientist, Division of Violence Prevention, Centers for Disease Control and Prevention, Atlanta, Ga.
- Edward L. Mazuchowski, Deputy Medical Examiner, Office of the Armed Forces Medical Examiner, Rockville, Md.
- Kurt B. Nolte, Assistant Chief Medical Examiner, New Mexico Office of the Medical Investigator, Albuquerque, N.M.
- Douglas H. Ubelaker, Curator, National Museum of Natural History, Smithsonian Institution, Washington, D.C.
- Moderator: Gregory G. Davis, Associate Professor of Pathology, University of Alabama at Birmingham, Birmingham, Ala.

[Read a summary of the session.](#)

### **Forensic Death Investigation: Communication Break Down**

#### **Facilitators:**

- Frank DePaolo, Director of Special Operations, Office of Chief Medical Examiner, New York, N.Y.
- Julie Howe, Executive Director, American Board of Medicolegal Death Investigators, St. Louis, Mo.
- Lakschmanan Sathyavagiswaran, Chief Medical Examiner-Coroner, Los Angeles County Department of Coroner, Los Angeles, Calif.
- Louis A. Tosti, Investigative Consultant, Knoxville, Tenn.
- Moderator: P. Michael Murphy, Coroner, Clark County Office of the Coroner/Medical Examiner, Las Vegas, Nev.

[Read a summary of the session.](#)

### **Education, Training and Certification Programs for Death Investigators**

#### **Facilitators:**

- Barbara A. Butcher, Chief of Staff and Director of Forensic Science Training Program, Office of Chief Medical Examiner, New York, N.Y.
- David P. Corey, Executive Director, Ohio State Coroner's Association, Columbus, Ohio
- Mary Fran Ernst, Director of Forensic Education and Associate Professor of Pathology, St. Louis University Medical School, St. Louis, Mo.
- Gregory A. Schmunk, Chief Medical Examiner, Polk County Medical Examiner's Office, Des Moines, Iowa
- Chris E. Taylor, Supervisory Chemist, U.S. Army Investigation Laboratory, Forest Park, GA and Co-chair, Certification, Accreditation and Licensing Interagency

Working Group National Science Technology Council, Committee on Science,  
Subcommittee on Forensic Science

- Moderator: O'dell M. Owens, President, International Association of Coroners and Medical Examiners, Cincinnati, Ohio

[Read a summary of the session.](#)

### Keynote Address: Lessons Learned in Mass Fatality Management

- Frank DePaolo, Director of Special Operations, Office of Chief Medical Examiner, New York, N.Y.

### Breakout Session Reports

- Moderator: Christine M. Cole, Executive Director, Program in Criminal Justice, Harvard University Kennedy School of Government, Cambridge, Mass.

### Closing Remarks

- Brigid O'Brien, Program Manager, Office of Investigative and Forensic Sciences, National Institute of Justice, U.S. Department of Justice, Washington, D.C.
- Michael G. Sheppo, Director, Office of Investigative and Forensic Sciences, National Institute of Justice, U.S. Department of Justice, Washington, D.C.

[Back to Top](#)

## Forensic Death Investigation Symposium: National Academy of Sciences Report

Jay Siegel, director of the Forensic and Investigative Sciences Program at Indiana University-Purdue University, opened the session with a discussion of the National Academy of Sciences (NAS) report's recommendation 11, which calls for eliminating the coroner system. The report is trying to raise the bar of medicolegal death investigation, Siegel explained, and the field needs more forensic pathologists.

This recommendation does not come in a vacuum, Siegel added. This is a system-wide problem. The NAS report examines the difficulties of the forensic science field, including a lack of research, funding, standards and accreditation. The goal is to improve all of forensic science, he explained.

Lakschmanan Sathyavagiswaran, chief medical examiner-coroner for the Los Angeles County Department of Coroner and past president of the National Association of Medical Examiners, explained that state law dictates medicolegal death investigation. Some states have coroners and some have medical examiners. Medical examiners, who are almost always physicians, are in a better position to educate and improve the quality of forensic death investigation, Sathyavagiswaran said. He then presented two cases highlighting the need for a medical examiner system.

Only 400 to 500 forensic pathologists currently practice full time, he said, adding that each year there are 15,000 new medical students, but only 47 forensic pathology residents. There is a lack of interest in forensic pathology, and there must be more programs to support education in forensic pathology. Sathyavagiswaran also called for a scientific working group of forensic pathologists and medicolegal death investigators to encourage best practices in the field.

O'Dell Owens, a previously elected coroner and former president of the International Association of Coroners and Medical Examiners, disagreed that an office is best served by a medical examiner. It is not about who runs the office, it is about how well you run the office, Owens said. The public should decide state by state, he added.

Owens expressed amazement that coroners were not on the NAS committee. He questioned how a report that seeks to improve forensic science could evaluate coroners but not have them on the team. Owens asked, Where is the comparison of medical examiners and coroners? Where are the reasons why coroners should be eliminated?

Every day coroners do good work with limited resources, Owens noted. Eighty-four percent of coroners say they want standards and certification, but they lack access to resources and training, he explained. We should work to give coroners education and training opportunities. Let's come together and embrace the tenet that the system needs to be improved, he said.

[Back to Top](#)

## Forensic Death Investigation Symposium: A Systematic Approach for Enhancing Policy and Practice

Barbara Butcher, chief of staff and director of the Forensic Science Training Program in New York City's Office of the Chief Medical Examiner, began by identifying what she sees as the central problem: the lack of a common name for death investigators. We are called coroners, medical examiners and investigators, she said. Some have training and credentials, and others do not; some have medical training but no investigative training, and vice versa.

Butcher asked, How can this be considered a profession? This is one of the most noble and caring professions in the world, she said. We are the last voice of someone who is gone. We need to establish death investigation as a profession, Butcher urged. She presented three solutions: (1) chose a name and agree on it, (2) establish standards of practice, and (3) find a governing body.

James Downs, coastal regional medical examiner for the Georgia Bureau of Investigation, said that the National Academy of Sciences report highlights concerns about quality, independence and professionalism in medicolegal death investigation. Currently, there is a disjointed patchwork of medical examiners, coroners/justices of the peace and mixed offices, Downs said. We must come together to have a clear, unified message.

Downs said that the field needs funding, resources, administration, better training and education, and professionalism. The field must maximize technology and establish standards and mandatory quality systems, he said.

This is a local issue, Downs added. What works for one community will not necessarily work for another. The people need to decide, he said.

P. Michael Murphy, coroner for the Clark County (Nevada) Office of the Coroner/Medical Examiner, explained that his office has five forensic pathologists. According to Murphy, they run the ship and are the captains when it comes to autopsies; he is the hospital administrator.

All of us have different ideas about what the solution is, Murphy added. We have an opportunity to air our differences, identify challenges and provide possible solutions, he said. He urged participants not to argue about whether a medical examiner or coroner system is better; instead, he asked participants to address quality and discuss what constitutes a competent medicolegal death investigation. We need more training and a better-coordinated effort, Murphy said. This is our opportunity to make a difference, he noted.

Chris Taylor, a supervisory chemist at the U.S. Army Investigation Laboratory and co-chair of the Certification, Accreditation and Licensing Interagency Working Group of the National Science Technology Council, Committee on Science, Subcommittee on Forensic science, reiterated the need for certification and accreditation. According to Taylor, the working group is examining what constitutes a good accreditation program. The group is also looking at cost analysis (determining the economic impacts, such as time, materials and expenditures that occur and recur with certification, accreditation and proficiency testing) and exploring whether accreditation should be linked to funding. He said that in order to make accreditation a reality, the federal government must support state and local agencies.

[Back to Top](#)

## Forensic Death Investigation Symposium: Navigating Legal and Ethical Issues in Death Investigation

Ronald Reinstein, retired judge with the Superior Court of Arizona and judicial consultant for the Arizona Supreme Court, explained that his group opened with a discussion of the Health Insurance Portability and Accountability Act (HIPAA) and organ donation. Group members asked, Is the autopsy report and related information a public record? They discussed logistical problems, such as obtaining out-of-state medical records, Department of Veterans Affairs (VA) medical records, psychiatric records and chemical dependency records. Some participants suggested revising HIPAA to include the release of medical records, but others felt that this might cause additional problems. There was a clear consensus on the need for better education and easier access to protected information.

The group said that all decisions regarding organ procurement should be in the hands of the medical examiner. They noted, however, that there is often tension with organ procurement organizations, particularly in child fatality cases or when an investigation is still pending.

The group then discussed ethical, liability and legal issues. Participants discussed what is discoverable under *Brady v. Maryland*. They asked: Should conversations between medical examiners and their staff — and any disagreements over the manner of death — be documented? Some members said that this could have a chilling effect on the field. Others noted that there are no standards for what must be provided to the defense. Participants agreed that it should come down to the materiality of the evidence and relevance to the case.

The group turned to testimonial issues with regard to *Melendez-Diaz v. Massachusetts*. What happens when the forensic pathologist who worked on a case has left the office? Should someone else testify? Participants agreed that until the U.S. Supreme Court takes up the issue, substitution will continue to be decided state by state.

Participants also discussed the lack of training in courtroom presentation. Medical examiners and coroners should not use medical and legal jargon because jury members must be able to understand what they are saying in order to make a fair decision. Group members added that interviews should be more accommodating to medical examiners and coroners.

Some of the group's recommendations included:

- Developing a working group comprised of state and local practitioners and representatives from the Department of Veterans Affairs, the Department of Health and Human Services, organ procurement organizations, and law enforcement.
- Creating guidelines, best practices and model legislation for the release of records.
- Developing a model discovery packet that also addresses preservation issues.
- Offering medical examiners and coroners training with prosecutors and the defense.
- Promoting the use of video testimony.

[Back to Top](#)

## Forensic Death Investigation Symposium: Leveraging Research and Development and Technology in the Death Investigation Community

Gregory Davis, associate professor of pathology at the University of Alabama at Birmingham, explained that participants in this breakout session identified obstacles to conducting research in forensic death investigation. To overcome those obstacles, the group recommended:

- Establishing a registry of offices interested in partnering with academic institutes for research.
- Establishing centers of excellence and partnerships for research that incorporates forensic pathology.
- Developing model legislation for using tissues collected during an autopsy in research.
- Establishing a research training program for forensic pathology fellows.
- Providing mentorship grants and new investigator grants.

Participants listed areas where more research is needed, including:



- Developments of DNA in the use of molecular autopsy.
- Searchable databases.
- Toxicology (e.g., real-time carbon monoxide tests, pharmacogenomics).
- Phenotypic information for DNA.
- Human injury tolerance.
- Internal and external factors that might affect caseload and staffing.

The group identified short- and long-term goals for forensic death investigation research and technology. The short-term goals included:

- Convening a scientific working group on death investigation to create best practice guidelines.
- Forming an expert panel to evaluate the utility of available technology.
- Creating a portal that provides access to all forensic databases.
- Presenting forensic pathology as a career to medical students, undergraduates and high school students.
- Offering incentives to draw people to the field, such as loan forgiveness.

Long-term goals included:

- Establishing centers of excellence or regional centers with the technology to provide services.
- Having the Centers for Disease Control provide public health training courses for forensic pathologists.
- Using the National Violent Death Reporting System data (which is available for free) in research projects or grant proposals.

Finally, the group discussed international concerns. Participants noted the need for increased training and mechanisms that allow data to be exchanged across borders. They also suggested looking at research methods coming out of Germany and Bern, Switzerland.

[Back to Top](#)

## Forensic Death Investigation Symposium: Communication Break Down

P. Michael Murphy, coroner for the Clark County (Nevada) Office of the Coroner/Medical Examiner, explained that communication is crucial in forensic death investigation. Communication — or lack thereof — is the single greatest hurdle to performing our daily work, Murphy said. To improve death investigation, we must enhance the way we communicate, he added.

The communication breakout group made the following recommendations:

- Address the communication breakdown between all death investigation professionals, families and stakeholders through targeted education and training. Recipients should include: medical examiners, coroners, law enforcement, EMS personnel, hospitals,

the media, elected officials and students. The group agreed that elected officials must understand the value of forensic death investigation.

- Organize a scientific working group to examine communication concerns.
- Offer debt forgiveness for death investigators, medical examiners and coroners.
- Enhance communication when dealing with decedents' families.
- Develop educational programs addressing the entire communication process — technical writing, public speaking and conducting research.
- Foster collaborative relationships with schools; get students excited about forensic death investigation.
- Develop a central mechanism to allow for communication between the public and the government during a mass fatality incident.
- Explore the possibility of using current programs to address disaster preparedness.
- Encourage the use of technology to improve communication in death investigation. Group members noted that in general, the field currently does not use teleconferencing and social communication platforms.

The group conversation extended beyond the breakout focus on communication and onto a reoccurring theme of the meeting — standards creation. One point of contention among group members was whether national standards of practice for medicolegal death investigation are needed to bring all agencies up to a minimum standard of quality. Some felt that these standards already exist; others felt that the current standards are not strong enough to force sub-par jurisdictions to improve. Some group members were concerned that strict standards would restrict the case-by-case flexibility needed during an investigation. Best practices or guidelines might be more accepted or feasible, they said.

[Back to Top](#)

## Forensic Death Investigation Symposium: Education, Training and Certification Programs for Death Investigators

This breakout group discussed education, training and certification programs for death investigators. Group members examined coroner qualifications and training in Ohio. They also explored certification programs in St. Louis, Mo., and forensic pathology training in the Polk County, Iowa, Medical Examiner's Office.

[Learn about St. Louis University's Medicolegal Death Investigation Training Course.](#)

The group — which contained forensic pathologists, coroners, investigators, toxicologists and anthropologists — identified a strong need for improved communication, increased collaboration and outreach, and greater educational opportunities for the forensic death investigation community.

Participants made the following recommendations:

- Develop multi-disciplinary courses to educate medicolegal death investigators on the importance of allied disciplines.
- Create standards for forensic anthropology degree programs.
- Develop a scientific working group for death investigation.
- Fund existing forensic pathology fellowship programs; develop new programs.

- Establish leadership and management programs to train medicolegal death investigation administrators.
- Offer student loan forgiveness for those serving at least two years in a coroner or medical examiner's office.
- Create innovative recruitment programs.
- Conduct outreach and organize the coroner community.
- Develop regional training programs for coroners.
- Provide incentive funds to encourage training.

We need a unified system of medicolegal death investigation, no matter the titles, said O'Dell Owens, a coroner and president of the International Association of Coroners and Medical Examiners. This system would then require standards and increased training. But money drives everything, Owens added. There must be a way to increase funding so the field can have better training.