



Death Certificates and Autopsy Reports

By JOHN M. LAJOIE, CLI, CCDI, CII

When conducting any type of death investigation -- homicide, suicide, or an accident -- you, as the investigator, are duty-bound to review not only police reports and statements, but the death certificate and the autopsy report and photographs of the deceased party or parties. It's much too important for you to ignore.

And don't take a death case from an attorney who won't produce or allow you attempt to obtain and review this type of evidence.

And you need not be a medical doctor or hire an expert to do it. With a little understanding of medico-legal terminology, decent investigative analytical skills, and good common sense, any competent investigator can become proficient in reviewing a death certificate and an autopsy report and benefit from information and evidence extracted from them.

Death certificates filed in every death

As morbid as it may seem, let's start with a death. When you have a sudden, unexpected accidental death, a suicide, or a homicide (in fact when you have any type of death), there *will* always be a death certificate generated by some authority empowered to do so. In almost all cases, it will be statutorily mandated

that a medical physician, medical examiner, or a coroner certify a death.

As a result of their examination of the body and a declaration of death, the physician, examiner, or coroner will issue a death certificate. The death certificate is a vital record and statistic, and it is considered a public record in most, but not all, jurisdictions. In other words, a death certificate is official proof of a death.

The death certificate will usually be filed within a few days to a week after the death at the local level because proof of death is needed to legally dispose of the body. Under extenuating circumstances, however, it could take longer.

What's in a death certificate? Much vital information about the deceased is contained within the death certificate, such as: the reporting authority; date, time, and place of death; cause and manner of death; next of kin; funeral, burial, crematory service providers; injury information; whether or not an autopsy was performed; certifying authority of the death; and other information surrounding the death and the disposition of the body.

The information contained within a death certificate is very valuable to any investigator because it is usually readily available within days of the death by the producing authority, usually



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The Commonwealth of Massachusetts
STANDARD CERTIFICATE OF DEATH
REGULATIONS OF VITAL RECORDS AND STATISTICS

DECEASED: TYNCHY, J. [REDACTED] MALE, [REDACTED] S. 2000
BIRTH: [REDACTED] LOWELL, MASSACHUSETTS
RACE: WHITE
MARRIAGE: NEVER MARRIED
OCCUPATION: NEVER WORKED OR EMPLOYED
RESIDENCE: 20 MAIN STREET, LOWELL, MASSACHUSETTS 01453
FATHER: ROSALYN [REDACTED] BORN [REDACTED] MA
MOTHER: BRIAN T. ANDERSON BORN [REDACTED] MA
BURIAL: [REDACTED] BURYING PLACE
CAUSE OF DEATH: [REDACTED] acute pancreas and hepatitis C
DATE OF DEATH: [REDACTED]
PLACE OF DEATH: [REDACTED]
DECLARED BY: [REDACTED]
DATE OF DECLARATION: [REDACTED]
CERTIFIED BY: [REDACTED]
DATE OF CERTIFICATION: [REDACTED]

PHOTO: Courtesy of J. Lajoie

the city, town, or county of death. Information gleaned from the death certificate is critical because details about the death, disposition, and family of the deceased are contained within it and may answer investigative questions about the death. At the very minimum, it will provide concrete and valuable leads for continued investigation.

Obtaining a death certificate

There will be a number of filings of the death certificate at various custodial public record repositories. The state's Bureau or Department of Vital Statistics and/or Health Records will usually be the ultimate custodian of the death certificate. However, it may take months for the state to index and make it available for access. And it may not always be available to the general public. In most cases, either the entire death certificate or some portion is

available to the general public. In some jurisdictions, the death certificate is available to the general public with the cause of death redacted. In other cases, it is only available to the immediate family of the deceased or those who have a valid legal or tangible interest. In some cases, the death certificate is available only with a signed release from the immediate family. And in rare cases, the death certificate may not be publicly available at all. However, other agencies and departments on the lo-



cal level will probably have a copy of the death certificate because it is needed to effect disposition of the body.

The county, city, or town where the death occurred will usually have an official copy of the death certificate. Often-times, the county, city, or town of residence of the deceased will also receive an official copy. The medical examiner may also keep a copy and almost always does.

In cases of suspicious deaths, homicides, and some suicides, the police and the district attorney's office will probably have a copy of the death certificate.

And don't overlook the funeral home/crematory/cemetery where the deceased's remains were handled; they are usually required to have a copy of the death certificate.

Local health departments that issue burial and cremation permits usually require a copy of the death certificate before a permit is issued.

Insurance companies may also

posses a copy of the death certificate if they are involved with the deceased's death in some capacity, such as an insurance claim.

Remember, in any instance where a death must be corroborated, the death certificate is proof of the death; those who need proof of death to conduct a service or issue a payment will have a copy in almost every case. You must get it, review it, and make use of the information contained within it. Usually there is a small fee associated with the acquisition of any death certificate.

Reports reveal cause, mode & manner

The autopsy report and autopsy photographs of the deceased generated by the presiding medical examiners office in your jurisdiction are critical in the evaluation of the cause, mode, and manner of death because important forensic pathological, toxicological, and medico-legal investigative information is revealed.

The sole purpose of the autopsy is to discover the cause, mode and manner of

death of the deceased and for the medical examiner, typically a forensic pathologist, to render a medical opinion after postmortem examination. For example: cause of death- exsanguination (loss of blood); mode of death- multiple stab wounds; manner of death- homicide.

An autopsy is a forensic external and internal medical examination of a human body after death and is mandated by law in all cases of alleged homicide or a sudden, unexpected death.

Usually, an autopsy is performed in cases of accidents where there is some medico-legal question that can only be addressed through autopsy. The autopsy is a postmortem medical *investigation* by a qualified medical expert that allows the medical examiner's office to make scientific medical conclusions based upon the evidence obtained during the examination. The cause, mode, and manner of death is almost always detected during and after the actual autopsy examination after a review of all sample testing, if testing was com-

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pleted, and preliminary information about the conditions of the incident and scene are revealed to the medical examiner by the investigating authorities. Photographs are almost always taken of the deceased before, during, and after the autopsy and visually document the internal and external injuries and/or wounds of the deceased.

Additional information is always beneficial such as weight, height, and muscular build of the deceased; a description of the deceased clothing and any physical evidence on or with them; as well as other descriptive medical information.

In an accidental death, besides the cause, mode, and manner of death, the autopsy will be particularly important because it reveals vital information about the injuries causing or contributing to death; pre-existing conditions; social and medical history; severity of the incident; and medico-legal information useful to attorneys and insurance companies.

All information contained in the autopsy report should be reviewed along with the photographs by the investigator, once again keeping in mind the theory of a civil or criminal investigation.

In criminal cases, particular attention should be paid to that information and evidence that tends to show violent or aggressive behavior and conduct of the deceased before and at the time the deadly force was inflicted, such as: signs of a struggle; blood and other foreign matter or physical evidence that has been tested and determined to be that of the defendant; evidence revealing the proximity of the positions of the defendant and deceased at the

time deadly force was used; evidence that could show the deceased was an aggressive individual such as tattoo's of snakes, animals known for aggressive behavior, skull and crossbones, weapons, etc...and clothing and jewelry that associate's the deceased with any cult or gang known for violence and aggression; and, especially, blood alcohol level (BAL) and/or blood drug level (BDL) that is documented as

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positive in the deceased's postmortem toxicology report.

Concerning positive BAL's and BDL's, be aware that if the remaining blood of the deceased has been diluted by the introduction of saline solution and /or units of foreign blood by paramedics and/or hospital personnel in attempts to save the deceased's life, the deceased's blood

serum is proportionally diluted and may significantly reduce the postmortem BAL and /or BDL positive finding, since it is the blood serum that is tested to determine the existence of alcohol and drugs in blood. In which case, it can reasonably be concluded that the deceased's BAL and/or BDL level was higher at and before the time of the deadly force.

Certain drugs and/or alcohol can cause a person to become groggy, restless, incapacitated, incoherent, unsteady, hallucinogenic, aggressive, assaultive and, at times, violent. Therefore, serious consideration should be given whether to hire experts to evaluate and opine on the deceased's BAL and /or BDL at the time of the incident and what effects, if any, it may have had on the deceased's physical and psychological condition prior to and at the time of death.

Medical records should be obtained from all medical providers that treated the deceased after the incident and reviewed by the investigator to determine if their blood was diluted and to further review the extent of the injuries sustained by the deceased.

It should be mentioned that the competent professional investigator should have a fair amount of knowledge in basic human anatomy and physiology and forensic pathology, serology, and toxicology so review of the autopsy report, medical records and laboratory reports is easily understood from an investigative stand point and eases consultation with any experts that are hired to review and opine.

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How to Obtain an Autopsy Report

Although autopsies are statutorily mandated in almost all jurisdictions in certain instances, the autopsy report generated by the medical examiner or coroner is not always public. Depending upon your jurisdiction, the autopsy report may not be a public record; or the autopsy report might be public, but the release of the autopsy photographs may not be allowed, or some part of the report may be redacted.

Autopsy reports are kept at the state and local levels of the state medical examiner's office; the county coroner's office; the local district court; office of civil records; or at the place where the autopsy was performed. Attorneys involved in criminal and/or civil matters surrounding the death will almost always have a copy. In cases of homicide and suicide, the investigating law enforcement authority will almost always possess the autopsy report of the victim(s). And insurance companies should not be overlooked in cases of disputed claims. The family of the deceased may or may not have a copy. Family members of the deceased are usually provided with a copy of the autopsy report in just about every jurisdiction if they request such and a medical authorization is signed.

Of course, autopsy reports can be obtained by court order as a last resort. There is usually a fee to obtain a copy of the autopsy report and photographs (if and when released). An autopsy report can be difficult to obtain, particularly if there is resistance to the release of the report. Persistence is necessary if the autopsy report is not a public record and problems are encountered in its procurement.

Conclusion

There is no question that acquisition and review of the death certificate and an autopsy report in the event of an intentional, unexpected, sudden, or accidental death is critical to the investigation of any death. Much is dependant upon these questioned documents and the information extracted from them. Don't be caught on the blind side of a death or homicide investigation because you failed to obtain and review a death certificate or an autopsy report. Remember, the lives left behind by the deceased are also dependant upon your professional investigative acumen. And so is your reputation.

CREDITS:

The Sourcebook To Public Record Information, 4th Edition, by BRB Publications, Inc., Tempe, AZ 2002.

Links for additional information about autopsies and death certificates

<http://www.vitalrec.com/death.html>

<http://www.dundee.ac.uk/forensicmedicine/llb/autopsy.htm>



John M. Lajoie is a Certified Legal Investigator and the president of Lajoie Investigations, Inc with offices in Massachusetts. Lajoie has over 15 years experience as a death investigator and is sought worldwide for consultation on homicide, suicide, and death related incidents. John can be reached through his website at www.PrivateInvestigator.com or by phone at 508-835-2211.