

PRC#2 Comment Report

Principles for Communicating with Next of Kin during Medicolegal Death Investigations

Received from Public Comment Period (Jan-March 2012)

Principle 2

2nd principle (pages 1-2) is incomplete. "Training resources available" ought to include experienced death investigators, forensic pathologists, and so forth. In other words, the concept that it would be necessary to go "outside" our field for such expertise is, IMHO, incorrect. Experienced professionals in our world ought to be teaching such things, not being taught.

o **Outcome of comment: (Incorporated into edits)**

Principle 5

- I do NOT believe viewing of the body prior to transport should be encouraged. The considerations for not allowing it as listed, are present in the vast majority of cases. In addition, a case may become "suspicious" in nature after transport, and having allowed family members to view/touch body will have potentially compromised continuity.

In cases where MDIs are not present at the scene, Removal Service employees should not be expected to be trained and capable of meeting such a standard.

The appearance of the deceased (even just livor mortis or facial congestion in a relatively fresh, uninjured body) may be more upsetting to families than they anticipate. For this reason, viewing after funeral preparation is, in my opinion, generally preferable.

When visual identification is required and appropriate (as it often is) it may be done at the scene with appropriate preparation. And consideration may be given to having someone other than most distraught NOK making identification.

Or preferably ID through photos or after deceased cleaned and positioned at morgue in an appropriate room.

For these reasons, I believe viewing at the scene for purposes other than visual identification prior to transport should be discouraged, and occur in the vast minority of cases for specific reasons.

o **Outcome of comment: (Ignored- covered in caveats)**

Principle 6

- I suggest including a statement about providing a reasonable and honest estimate about timeline for final cause and manner determination and availability of final reports.

o **Outcome of comment: (add- if timeframes are known)**

Principle 7

- Line 153, may want to expand and clarify why Visual Identification should be avoided. Especially given above encouragement of viewing body prior to transport. I would also suggest separating out and emphasizing considerations of what can and cannot be released to presumed NOK prior to definitive identification of deceased.

o **Outcome of comment: (covered in principle 12)**

Principle 11

- Line 256 stating offer of Post Autopsy Conference is a "Best Practice". I would strongly disagree with making it a Best Practice, and advocate Guideline or Suggestion.
I would guess most offices (mine certainly) do not have the resources to accommodate time for family conferences in more than a few cases.
I do strongly agree that NOK need access to good explanations and a reliable avenue for questions.
I would advocate employing well trained Medical Death Investigators with medical understanding to liaise with families, and explain autopsy findings/answer basic questions. MDIs may then forward questions as necessary to pathologists, and in some cases offer a phone call from pathologist or personal conference. I feel this is a more efficient use of resources.
 - o **Outcome of comment: (Ignored- Anecdotal knowledge supported by publications referenced)**
- See comments regarding case integrity above - principle 5, however you did address this in your draft.
 - o **Outcome of comment: (Ignored)**

References

- The National Sheriffs' Association, Justice Solutions, and the National Organization of Parents Of Murdered Children., Inc., released an Office for Victims of Crime/U.S. Department of Justice funded document in August 2011 titled "Serving Survivors of Homicide Victims During Cold Case Investigations: A Guide for Developing a Law Enforcement Protocol" (www.sheriffs.org/coldcaseguide), which might be a useful reference for your document.
 - o **Outcome of comment: (add on as resource)**

Misc comments

- When and how notification took place will be recorded (A NAME certification requirement).
 - o **Outcome of comment: (Ignored)**
- Do no promote, endorse or recommend any specific funeral home as to avoid conflict of interest, or accusation of directing business.
 - o **Outcome of comment: (edit to appendix b)**