



Jurisprudence Section – 2006

E13 Shaken Baby Syndrome: Medical Myth or Medical Fact?

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This presentation will facilitate a bipartisan scientific discussion of the factual basis for and/or against the existence, diagnosis, and adjudication of cases of Shaken Baby Syndrome.

The diagnostic criteria and even the very existence of Shaken Baby Syndrome (SBS) have been called into question (at least by some) ever more frequently in recent years. Apparently conflicting expert medical testimony has fueled a perception of confusion and, in some cases, animosity. The net result of the present turmoil is that the very experts attempting to assist in clarifying the circumstances surrounding a sudden child death or injury fail the justice system.

In an attempt to determine a common ground in the ongoing debate regarding SBS the authors hope to present a multidisciplinary medicolegal primer covering both sides in the debate. Practitioners in the fields of forensic pathology and jurisprudence will discuss the evidentiary basis – pro and con – for the diagnosis of SBS.

Some practitioners are reported to hold up a triad of subdural hemorrhage, cerebral edema, and retinal hemorrhages as diagnostic of SBS while others suggest alternative mechanisms by which these findings may be found in concert. The question then becomes if there is a diagnostic triad for SBS, and if so, are these three physical findings the appropriate criteria. Are there other, more reliable findings? Can the diagnostic features of SBS be caused by or seen in association with other conditions? Is shaking alone sufficient to cause the features of SBS? Is impact required to cause SBS? Are short falls or other traumas sufficient to cause the same features as seen in SBS?

Beginning with a historical overview of the origin of the concept of SBS, this multidisciplinary explored presentation will present the present understanding of the medical literature potentially supporting and refuting SBS. Utilizing a case-presentation scenario, the clinical presentation of a severely neurologically damaged infant will be reviewed with a differential diagnosis considered. The ophthalmologic findings on admission with follow-up discussion of the types and nature of retinal findings in SBS-type and non-SBS-type cases will be presented. The medical examiner's findings at postmortem examination with a differential diagnosis will be presented. Vitally important ancillary procedures and examinations to be included in the complete autopsy examination will be reviewed. Postulated biomechanical mechanisms for the injuries observed will be reviewed. The courtroom presentation of the findings by the medical experts, with cross-examination, will conclude the case presentation. The audience will be left to act as jury.

Finally, the various experts involved in the case scenario will participate in an open panel discussion on the topic(s) covered in the presentation. The net result is an effort to establish a solid medicolegal consensus, or at least a dialogue amongst experts, on this highly emotionally charged and vitally important topic.

Shaken Baby Syndrome, Child Fatality, Controversy