



## Pathology/Biology Section - 2013

### **G114 When Is a Murder Not a Murder? When It's a Non-Suspicious Death!**

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After attending this presentation, attendees will understand the problems faced by forensic pathologists in the United Kingdom (U.K.) resulting from the distinction between “suspicious” and “non-suspicious” deaths, and the steps that can be taken to reduce the risks of homicides “slipping through the net.”

This presentation will impact the forensic science community by highlighting the importance of educating all professionals involved in the medicolegal investigation of death regarding the importance of suspicion that a death may be related to criminal activity at the earliest stage of an investigation.

Unlike most jurisdictions, the U.K. divides autopsy practice into “suspicious” and “non-suspicious” deaths. As a result of this, the vast majority of medicolegal autopsies undertaken in England and Wales are performed by pathologists with limited, or in many cases no experience of the appropriate approach to potentially homicidal deaths and indeed many have never even observed a “suspicious death” autopsy. Furthermore, there is a likelihood that if a death is referred for autopsy as non-suspicious, then the pathologist is falsely reassured that there is “nothing to worry about.”

Of course, some potential homicides are not identified as a result of the initial investigations, and are referred for a “routine coroner’s autopsy.” At the very least, this can lead to compromise of forensic evidence as the scene is not preserved and the body is not transported in a manner that preserves trace evidence. The forensic autopsy may be more challenging if an autopsy has already been commenced or even completed before the death is recognized as one that may require a more detailed examination than usual.

To demonstrate the potential pitfalls of this approach to autopsy and the difficulties it causes for the forensic pathologist and the wider aspects of a criminal investigation, three relevant cases will be discussed.

In the first case, a man with a history of alcohol abuse was found dead in a moderately advanced state of decomposition with a significant postmortem interval. The death was referred for a routine autopsy and, as there were no close relatives, after the examination the body was frozen awaiting the funeral. However, as the estate was being settled, it came to light that money had been taken from the deceased’s account and benefits claimed for a considerable period after he was believed to have died. A suspect for this fraud was developed but a forensic autopsy was requested to exclude “foul play” in the death as well as after it.

The second case involves a body recovered from a river. The case was investigated by a junior police officer and deemed to be non-suspicious despite external injuries that were considered to be “unexplained but not suspicious.” External examination by a general pathologist apparently revealed no marks or injuries to cause concern, but on commencing the internal examination the pathologist was faced with a situation he had not considered and a forensic examination was only requested a week after discovery of the body.

The final case revolves around an unexpected death in a nursing home. On commencement of the initial autopsy, the pathologist became very concerned and asked for assistance from a forensic pathologist who was able to confirm that the death was almost certainly the result of an assault and triggered a criminal investigation.

Finally, this presentation will address the ways in which these problems can be alleviated and how the East Midlands Forensic Pathology Unit (EMFPU) in Leicester is attempting to minimize the issues by education of all the relevant professionals, from police officers to trainee general pathologists. This approach should benefit the interests of justice and prevent pathologists who are inexperienced in forensic pathology from being exposed to an adversarial justice system for which their training leaves them unprepared.

**Homicide, Suspicious Death, Education**