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## E66 Body-Found-in-Bathtub Death Investigation

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After attending this presentation, attendees will be able to: (1) explain the investigative challenges that are specific to Body-Found-in-Bathtub (BFIB) cases; (2) offer solutions to overcome them; (3) ask critical questions that are frequently overlooked; (4) document and collect evidence that is often unrecognized in BFIB cases; and, (5) use field-tested, investigative protocols and forms which have proven to be effective during a number of cases, including eight BFIB homicide investigations.

This presentation will impact the forensic science community by demonstrating the importance of applying a standardized scientific approach to the investigation of BFIB deaths and by providing law enforcement, death investigators, forensic pathologists, and prosecutors with proven, field-tested protocols to investigate, diagnose, determine, and, if necessary, prosecute BFIB cases.

BFIB cases, which can involve bathtubs, whirlpools, spas, hot tubs, and similar bathing arenas, pose challenges when it comes to recognizing signs of foul play; this is evidenced by the large percentage of BFIB cases in which the manner of death is initially ruled as an accident but, after subsequent investigation, is changed to homicide. These subsequent investigations may not occur until months or years later, when another similar death occurs, life insurance companies raise concerns, or other indices of suspicion emerge.

Initial misdiagnosis in the majority of cases occurs as a result of faulty assumptions made at the scene. Examples include: “cause of death is drowning;” “manner of death is accidental;” “empty pill bottles, so it must be a suicide;” “it makes sense for the decedent to be in a bathtub;” “the toddler drowned due to lack of supervision;” and “a head laceration indicates a slip-and-fall death.”

These assumptions, coupled with the absence of specific BFIB training, can result in an inadequate investigation that misses red flags.

When only benign circumstances are reported in the primary investigation, forensic pathologists may perform a standard autopsy or only an external examination as they lack justification to perform an autopsy more appropriate for a suspicious death. Routine examination may overlook crucial signs of injury, such as posterior neck and back subcutaneous contusions, and prevent investigators and pathologists from spotting incongruities between documented injuries and scene and witness statements.

When the first signs of foul play are recognized at autopsy, such as signs of strangulation, critical scene and witness information may be lost. Sometimes insufficient investigations clear the way to cremations with an irrevocable loss of information.

Drowning as cause-of-death is a diagnosis of exclusion. Preliminary assumptions that a drowning occurred due to intoxication may be disproved days or weeks later, when toxicology results show levels too low for incapacitation. Conversely, positive toxicology findings may erroneously support assumptions of an accidental or suicidal manner-of-death made by investigators who fail to consider that perpetrators may use substances to incapacitate their victims and conceal a homicide. In these instances as well, too much time may elapse before a subsequent investigation, making it difficult to secure scene and witness evidence.

This presentation will include an informative study of more than 300 BFIB cases, including 27 BFIB homicides in at least six states. It will give examples of critical documentation often omitted during scene investigation including: the decedent’s airway position in relation to the water; the state of hand and foot wrinkling; eye-drying artifacts; the degree of witness and bathroom wetness; all evidence of trauma; any evidence of trauma suffered by witnesses; the decedent’s normal bathing habits or lack thereof; water depth and temperature; detailed position and posture information of the decedent when first discovered; and a detailed description of how the decedent was removed from the bathtub.

The presentation will also discuss the importance of performing reconstructions for red-flagged cases to help determine the legitimacy of witness statements; reconstructions have been used in several cases to disprove deceptive witness statements. Lastly, protocols for evidence collection and documentation specific to BFIB cases will be addressed.

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### **Drowning, Bathtub, Homicide**