



F2 Deaths During Law Enforcement Encounters

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Learning Overview: After attending this presentation, attendees will better understand the difficulties in identifying and investigating deaths that occur during police encounters.

Impact on the Forensic Science Community: This presentation will impact the forensic science community by showing the need to better determine the extent of the problem of police-encountered deaths in order to develop strategies to reduce such deaths.

Deaths during law enforcement encounters usually occur from shooting or while someone is being restrained. When someone is shot, the cause of death is usually clear and intended. The issues are whether the shooting was justified. When death occurs during physical restraint, the cause of death is not clear and the death is almost always unintended.

This presentation will address the roles excited delirium, Tasers[®], drugs of abuse, acute psychotic behavior, pre-existing natural disease, and physical interference with breathing may have in causing or contributing to such deaths. The politics that are often involved in deciding what to do with such information will also be addressed.

The investigation into the death of Eric Garner illustrates many of the above issues. Mr. Garner was a 43-year-old Black male who collapsed and died in the early afternoon of July 17, 2014, while being restrained on his sidewalk by New York City Police in Staten Island. He was being arrested for selling individual cigarettes in his neighborhood. The initial confrontation, his takedown, and his death were captured on a neighbor's iPhone[®]. He is heard in the video saying, "I can't breathe," 11 times during the 50 seconds of struggle while pressure was placed on his neck, back, face, and nose. The video will be shown and examined.

At autopsy, Mr. Garner was 74" tall and weighed 395 pounds. There were petechial hemorrhages in his eyelids, hemorrhages in his neck muscles, and evidence of neck compression. He also had evidence of hypertensive cardiovascular disease with cardiomegaly (660 grams) and acute and chronic bronchial asthma. Toxicology was negative. The medical examiner listed the Cause of Death as "Compression of neck (choke hold), compression of chest and prone positioning during physical restraint by police. Contributory conditions: Acute and chronic bronchial asthma; obesity; and hypertensive cardiovascular disease. Manner of Death: Homicide." Other jurisdictions might have listed the cause of death in this case as excited delirium, asthma, heart disease, or acute psychosis without including the police encounter in the cause of death. Some pathologists may conclude that the death would have occurred even without police involvement. If a drug of abuse were present, it may be called a drug overdose. The manner of death may be listed as accident, natural, or even suicide if a drug is present. This makes identification of such deaths difficult.

The five-year statute of limitations relative to Mr. Garner's death expired in July of 2019 without any charge being brought after city and federal government evaluations. The ability to address this national problem of deaths during law enforcement encounters—and the community disruptions they cause—begins by knowing how frequent such deaths are, who are the victims, when they occur, and the circumstances of such deaths to be able to develop strategies to reduce them. However, no such national statistics of deaths during police encounters are kept by any agency locally or nationally. Some newspapers try to keep daily records of shooting deaths by examination of newspaper mentions and death certificates. However, there is no attempt to maintain such statistics on non-shooting deaths.

This presentation is intended to raise awareness among forensic scientists that it is necessary to address the societal calamity of deaths that occur during law enforcement encounters.

Custody, Excited Delirium, Restraints