

The POST...A Forensic Publication



Volume 1, Issue 5
Summer-2010

Show me the manner in which a nation or community cares for its dead and I will measure with mathematical exactness the tender sympathies of its people, their respect for the law of the land and their loyalty to high ideals.

Gladstone

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Susan J. Ernst
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President's Message by Scott M. Schmidt, CFSP Chief Coroner—Orleans County, New York

Did you know that the NYSACCME Office receives calls and emails quite often about a person, group, or agency that is having difficulties with a County Coroner or Medical Examiner? Most complaints revolve around people not getting the answers that they WANT to hear. Recently, we've been getting some complaints about various people disregarding family wishes and worse, disregarding Federal Law as it pertains to Organ/Tissue donation. NYSACCME is NOT an organization which can enforce laws. We can't reprimand or punish our members who break the law or use their powers and influ-

ence to circumvent the process. NYSACCME is an organization which provides education. The BEST solution to the above mentioned problem is COMMUNICATION. Creating a RESPECTFUL relationship with your OPO is paramount. If there is mutual respect between the OPO and the ME/Coroner, most problems can be avoided. We must always remember that BOTH entities have a job to do. If we can help each other for an outcome that benefits the family, whether it be consent for donation, or a Medico-Legal reason to deny release... thereby allowing determination of cause and manner of

death for that family...then we all benefit because we've served that family to the very best of our ability. Attitudes and egos are a part of everyone's make-up. The power we hold as ME's and Coroners is great. If we exercise that power because of our attitude and ego and not for a legitimate cause, we all loose. We loose respect, we loose our reputations, and we loose our credibility. The worst loss is the trust of the families we serve. After all, it's not about us...it's about them, and we must always remember that.



WELCOME TO THE NEW "POST" COORDINATOR

It is with great pleasure that NYSACCME welcomes Dr. Mary Jumbelic as the new Coordinator of "The Post" freeing President Scott Schmidt from arduous job of creating, typing, and formatting the NYSACCME newsletter. "Communication is extremely important particularly in an organization with so many members and with such a large geographical coverage area" said

Schmidt. Dr. Jumbelic volunteered to take over the task following her retirement as Chief Medical Examiner for Onondaga County. Due to compatibility issues with Mary's computer systems, NYSACCME's computer systems, and our printer's computer systems, "The Post" will be having a somewhat new look. If you have any information you'd like to share with your NYSAC-

CME colleagues or if you would like to write an article for the next newsletter, kindly send it in Word format to Susan Ernst at the NYSACCME office.

The email is:
nysaccme@rochester.rr.com
and we're waiting for your submission!

UPCOMING FALL 2010 CONFERENCE

By *Mary I. Jumbelic, MD*



This upcoming fall conference should be an excellent one with renown speakers addressing the topic of "Deaths That Defy Forensic Science" Lectures range from informational on the complexities of equivocal death determinations and other aspects of difficult investigations. There are times when that cause of death is apparent but not HOW it happened. This conference will describe many of those situations and offer methods for helping to conclude the manner of death.

One often neglected area in forensics is radiology. This conference will show you how x-rays can help in the locating and timing of trauma and the identification of the deceased. Other anthropologic topics covered will be the examination of mummies, recovering remains in a cemetery and other excavations.

A representative from Musculoskeletal Tissue Foundation will speak about recent innovations in tissue trans-

plantation. The health commissioner of Onondaga County will speak about flu, H1N1 and other areas where she will interact with coroners and medical examiners should a pandemic occur. Another practical speaker will be a representative from the New York State Office of Vital Records who will explain the practical aspects of filling out a death certificate amendment. Maybe we can ask about electronic filing of death certificates while we have his ear?

For those of you who may never have heard from a forensic psychiatrist, you are in for a treat. We have a speaker who is well versed in dissecting a death scene to determine the mindset of the deceased prior to death. He has been helpful in more than one case where the manner of death was difficult to determine. By reviewing medical records, scene investigation pictures and descriptions, autopsy and toxicology tests, and interviewing friends and family of the deceased, he

can say whether the death was more likely a suicide or homicide or accident.

Interesting and challenging cases will be presented from the Erie County, Onondaga County and Monroe County Medical Examiners' Offices. These three offices alone represent a significant population in upstate New York and have much to offer in the investigation of unusual deaths.

Finally, all attendees will enjoy the splendor of the Genesee Grand Hotel with well appointed rooms and delicious cuisine, not far from SUNY Upstate Medical Center, the Wallie Howard, Jr Forensic Science Center, and Syracuse University.

THANK YOU DR. "T"

Dr. James Terzian, MD has been a member of NYSACCME for many years. As a Forensic Pathologist he has lectured to us on many topics including the famous Dryden Cheerleader Murder. Jim has also served several years as NYSACCME Treasurer keeping a watchful eye on our spending...making every effort, (successfully mind you,) to keep our books in the black. Dr. Terzian has recently tendered his resignation as our Treasurer with the promise of continued membership and participation in NYSACCME as able. It was with deep regret but with understanding that his resignation was accepted by President Scott Schmidt. At the June Board of Directors meeting, Sullivan County Coroner Michael Speer was appointed Treasurer to fill the position. Mike as well, has served on the Board for several years and has experience as a Chief Financial Officer with a large company in his area. We welcome Mike to the Administration and we wish Jim best wishes as he lightens his professional work load a little bit and thank him for his many years of volunteer service to NYSACCME.

NYSACCME MISSION STATEMENT



The Mission and Goals of the NYSACCME are to assist in advancement of Forensic Science and its application to death investigation by providing education to those who interact during a death investigation. We strive for the improvement of quality in death investigations in NY State and the advancement of support by the

State of NY, as well as County and Local governments for the death investigators. By organizing Coroners and Medical Examiners throughout the State, we support promulgation of standards for death investigation. We hope to maintain a greater quality of death investigation by accrediting our membership via training, and we

strive to assist with the writing of new laws and/or changing of old laws by maintaining liaison with legislative bodies, representatives, and the State DOH. We are ACTIVISTS for Forensic Science.

It is the 15th anniversary of the acquittal of O.J. Simpson for the murder of his ex-wife Nicole Brown and her friend Ron Goldman. The trial captured the attention of our entire nation and was one of the most watched events throughout US history. No one realized at the time that it would change the face of forensics.

On June 14, 1994, the bodies of Nicole and Ron were found murdered and a few days later, OJ stunned the nation as he led police in cars and in helicopters on a chase along the streets of Los Angeles in his unforgettable white Ford Bronco. Americans were spellbound in front of their television sets.

The drama continued with OJ being charged for their deaths and the judge ruled that reporters could film the trial live in his courtroom. Prior to this reality court experience, most people knew very little about the minutia of forensic science. But day in and day out, people would tune in during the day for real time footage of the trial or listen to newscasters' summaries when they returned from work. The prosecuting and defense attorneys brought a new language to the viewers. The trial was not tailored to be educational to the viewing audience but it was as always educational for the jury. Thus America was taking an abbreviated Coroner's 101 course. The language of the trial introduced new words to the average person's lexicon. Words formerly used by criminalists, forensic pathologists, attorneys, and police were now being discussed at the office watercooler, school playground, and living rooms— DNA analysis, chain of cus-

THE OJ SIMPSON TRIAL REVISITED

By Mary I. Jumbelic, MD

tody, gastric contents, orientation of stab wounds, appropriate handling of evidence, and time of death.

The investigation had all of the components to make this a successful prosecution – motive, means, and opportunity. It was well known that OJ was jealous of Nicole and had not wanted to separate from her. There had even been a domestic violence incident a few years earlier for which he had to serve community time. He had the weapon and the strength, and he was available with no alibi at the time the murders were committed. But this trial was no old fashioned Agatha Christie's whodunit. It was more Sherlock Holmes with modern forensic evidence introduced.

The complexity was too much for the public. Some of the antics in the courtroom were hollywoodesque with one famous defense attorney's quote being "if it doesn't fit, you must acquit" when holding up the bloody leather glove from the murder scene and comparing it to the one found at OJ's property. The two gloves were a match for style, color, and size but the murder scene glove had been wet with blood at the time it was put into evidence. Thus at the time of the trial, it appeared shriveled and smaller and had tightened as it dried out.

There were many problems with other evidence as well. Excruciating details were entered in about the chain of custody of the blood - where it was collected,

where it was transported, stored, examined, the exact times, who handled it, etc. As we all know, chain of custody must be a fastidious process but being perfect is difficult. This OJ trial showed us why it is important to do it right. The defense managed to poke holes in this chain and thus create reasonable doubt with the jury. One defense witness made a quote during a national forensic meeting that "if the prosecution had called him first, he would have worked with them and not the defense". His testimony was crucial for the defense as he discussed the possible loss of integrity of the DNA.

We also can't lose sight of the characters of the prosecution witnesses that were on display. The lead investigating detective was found to have made racial remarks and that discredited much of what he had to say. Suddenly the LAPD were on trial and not OJ.

It was also painful to watch some of the testimony given by forensic experts in that case. One pathologist was berated for not examining the knife in the presence of the murder victims. Actually, it is not professional to compare a recently used weapon with the body part, etc, in question. There could be trace transfer which would render useless the evidentiary value of the collected weapon. But the pathologist could not argue effectively his point and thus seemed lazy or worse, stupid. When describing his collection of gastric contents, he said he took a sample and threw the

rest away. Again, this was common practice back in the day, but he had no counter-argument and thus sounded lame.

I personally was not astounded by the verdict that was reached in October 1995, more than a full year after the murders were committed – not guilty for Mr. Simpson. This acquittal rang loudly in the ears of forensic scientists. The laboratory and field work much be meticulous and completely by the book. Otherwise the court and the public will have very little tolerance for anything outside the lines and may disregard it completely. As for me, I feel I am a better and stronger pathologist because of OJ Simpson or at least his defense attorneys, Cochran and Bailey.

THE CSI EFFECT

The CSI effect is a phenomenon where popular TV shows raise people's expectations of forensic science especially in the areas of crime scene investigation, and DNA testing. In addition to highly publicized trials, such as OJ Simpson, there are many forensic television shows such as CSI and all the spinoffs, Court TV, Forensic Files, Cold Case Files, The New Detectives, American Justice, Cold Case,, and Cold Squad. Some of these are fictional while others detail a specific real life case story. For the audience it is easy to blur the boundaries between what is fact and what is fiction.

This is hard to face because as most seasoned investigators know, you don't always get lucky at crime scenes. Sometimes the weather doesn't cooperate- snow and rain wash away traces, inadvertently medical personnel damage critical evidence, or more commonly there is no credible explanation yet there is no viable material. Studies have been done by interviewing potential jurors about the type of TV shows they watch and then observe their role in the trial they are serving. One study demonstrated a positive correlation with viewers of CSI forensic shows and their criticism of foren-

sic science evidence presented at trial. Other studies have not found a direct correlation but the CSI information is so ubiquitous, it may be a hard subject to survey.

Of most concern to the legal community is the effect on jurors. It seems that lately any time a sexual crime is committed, the juries expect DNA evidence. They are less willing to convict the accused if there is none, even in the presence of other information such as eyewitness accounts. I personally testified in a trial of the murder of a prostitute where the accused admitted to being the last person seeing the deceased, who was in the same position as when he left.

This effect might also extend to criminals who enjoy watching such shows. They learn methods of clean up for crime scenes as well as ways to alter evidence with chemicals such as bleach or by burning it.

One of the positive effects of these shows is the influence on young people and their

increasing interest in jobs in the fields of forensic science. This has then influenced curricula at all levels of education – elementary and middle schools, high schools, community colleges and universities. My own office saw a marked increase in invitations for career days as well as innumerable requests to speak to forensic classes within the last decade. In 2003, the American Academy of Forensic Sciences promulgated accreditation standards for forensic science educational programs through its Forensic Science Educational Program Accreditation Commission (FEPAC), based on recommendations from the US National Institute of Justice.

It has also elevated the position of forensic scientist, medical examiners, and coroners. No longer are we viewed as solitary people who are a little creepy to work with the dead. We are seen as interesting and doing noble work. I enjoy that change.

By Mary I. Jumbelic, MD

N.Y.S.A.C.C.M.E.

New York State Association of County Coroners
and Medical Examiners

BUSINESS OFFICES

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We're on the web!!

www.nysaccme.org



FALL 2010 CONFERENCE—September 17-19, 2010

True or False? Only the wealthy can make a significant gift to NYSACCME.

FALSE! Interestingly, the wealthy are less likely than others to give. Many of our supporters are not wealthy, but are interested in making a sizeable donation to support NYSACCME and its efforts in Medico-Legal Death Investigation Education. But to be practical, they must maintain their current income and cash flow levels. They want to give, but aren't sure how to give wisely. A planned gift to NYSACCME is a wonderful way to make a differ-

ence in the Educational efforts of your organization while also enhancing your own financial and estate plans. Bequests, trusts, gifts of life insurance, and retirement assets—these giving vehicles can benefit you regardless of your level of wealth. And, with a planned gift, you will have the satisfaction of knowing that you have truly made a difference in the future of Forensic Science. Why not remember NYSACCME in your will or estate planning

or with an outright donation now, to ensure that your interests in NYSACCME will endure through the years. Your attorney and/or financial advisor can help you with the options available to you. NYSACCME is a Not-for-Profit Organization and your gift is tax deductible. Thank you.

