

RAYMOND I. HARRIS, LL.B.

Coroner of St. Louis County

Formerly Assistant Attorney General

Former Magistrate Judge of St. Louis County

St. Louis, Missouri

Outline of

Second Printing

Death Investigation

If you are a coroner or a police investigator . . . experienced or inexperienced . . . YOU NEED THIS BOOK. It is a reference book, dictionary and guide that will lead you to the "heart" of the matter in minimum time with minimum effort. It is designed for constant use in your office or car—at the scene of the crime and in the courtroom. Choose any facet of death investigation and in a matter of minutes you have before you the **TECHNIQUE FOR HANDLING A SPECIFIC CASE FROM THE TIME OF THE FIRST CALL TO YOUR EVENTUAL APPEARANCE IN COURT.**

You will find sample forms to aid in report writing — providing a helpful check-list to essential phases of investigation.

OUTLINE OF DEATH INVESTIGATION

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By

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*Dedicated to my wife, Lil, with thanks for
her help, encouragement and patience during
the time it has taken to assemble and prepare
this manuscript.*

PREFACE

When pilots get into their large aircraft, they use a check list as a guaranty against overlooking a step necessary in the operation of a plane. Their use of this safeguard does not indicate lack of knowledge on their part or lack of confidence in their abilities. Contrariwise, their thorough background, know-how and capabilities have proven that, as human beings, they are susceptible to error, and that memory refreshers and check list are important to protect against this human error during a technical operation where one oversight or one mistep could conceivably lead to disaster.

Investigation of deaths is analogous to the above situation. The expert investigator realizes that when he authorizes the removal of a body or permits its autopsy, embalming or cremation, or when he allows any possible evidence or clues to be disturbed or clothes from the corpse removed, he has taken a step on a path that cannot be retraced, and he has destroyed all possibilities of further investigation, examination or reconstruction of that phase of investigation; he further realizes that in permitting any of the above steps, he has contaminated, mutilated, liquidated and rendered helpless evidence or clues that might have been all-important in a final solution and desired prosecution.

Certainly, it then becomes logical and proper to use a check list or notebook to refresh the memory, outline the course of action, enumerate the essentials of any particular crime, and set forth the clues and evidence necessary to guide and aid the investigator. Finally, it must be realized,

particularly in rural communities and smaller cities and counties, that an officer or coroner acting as an investigator may handle any one particular type of death very seldom, if only once in his career. Thusly, regardless of the amount of periodicals and textbooks that he has read or seminars and conventions that he has attended, it is impossible for him to retain all of the information, knowledge and know-how, especially in a technical line, as a matter of memory alone.

Taking these factors into consideration, this book has been prepared for coroners and investigators, not as a technical text book but rather as a ready reference to refresh their memory, outline their procedure, set forth particulars necessary in investigation and as a check list to be used at the scene, during the investigation and in preparation for submission of the case to other law authorities or for trial.

This book is divided into the following categories: pictures to be used for comparison and explanation, charts to be used for reference, forms to be used as guide and check list, and glossary to be used as a quick reference to definitions and a right hand to proper spelling in report preparation, outlines to be used on the scene and during the investigation itself, and short synopses for general information.

This author is well aware of the fact that death and homicide are almost as old as the world itself, and that the first murder case dates back thousands and thousands of years to the slewing of Abel by Cain. Certainly, in the multitude of years that have passed there have been many millions of investigations of all types of death and thousands of books and articles written about same. This work does not attempt to bring about any new miracle of investigation or any startling innovations in investigative pro-

cedure, but merely to accomplish the purposes set forth in the preceding paragraph.

With the cooperation of the publisher and with these purposes in mind, this work is prepared in a short, concise, simplified manner, and so published and bound as to make it convenient to be carried in the compartment of an emergency or squad car and on the person of an investigating official.

ACKNOWLEDGMENTS

This brief space and few words devoted to their recognition should not be taken as the measure of my appreciation of the encouragement, assistance and cooperation which I have received and without which I could not have written this book.

I wish particularly to acknowledge my thanks and appreciation to my secretary and administrative assistant, Mildred B. Saemann, for her invaluable assistance and her magnanimous contribution of time during her non-working hours in helping me assemble this text and in typing and editing its entire contents.

My sincere thanks also to Sheryn Goldenhersh for her art work; to Dr. Eugene Tucker, M.D., Pathologist, for material furnished and expert advice; to Dr. Edward Hunter, D.D.S., for his aid in connection with the section on teeth; to Richard Rose, Photographer; to the St. Louis Office of the Federal Bureau of Investigation and Missouri State Highway Patrol for supplying literature pertaining to collection, preservation and shipping of evidence; and, finally, to the many others who helped me collect material and illustrations necessary to complete this book.

R. I. H.

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OUTLINE OF DEATH INVESTIGATION

INTRODUCTION

The office of the coroner is an ancient one, having its birth in England many centuries ago. Originally, men of noble blood, who were close to and trusted by the King, were appointed to that position (originally called Corona) to investigate unexpected deaths and, as personal representatives and appointees of the King, to claim certain properties for the Crown.

The office of the coroner was transplanted to America by the English colonists, as were many of the English usages and laws.

In the three centuries that this office has existed in America it has undergone many changes in the various states to the present where there are almost as many different types of coroner's offices in the United States as there are states; a review of these various jurisdictions indicates that the coroner's system differs widely in qualifications of officials, their duties and selection.

The majority of states still retain the old coroner's laws with slight changes. Other states have either a medical examiner or a combination of both coroner and medical examiner. In most of the states the coroner is still elected for a two or four year term by the county in which he resides; in a few states he is appointed. In others the medical examiner is appointed locally, while in a few he is appointed by the Governor or by a chief state pathologist. It should be noted that the coroner's duties vary in the different jurisdictions from simple medical examination to a combination of medical examination and factual investigation to full law enforcement—from an office com-

posed of one part time official to a multi-employee million dollar a year scientific-legal-investigative project. In some states the coroner has jurisdiction over the incompetent and insane, the raped and the molested; in others he also performs certain functions of the sheriff.

Which of the various offices is preferable is a question that still has not been answered by law enforcement, legal or medical authorities. It must be concluded that the operation and efficiency of the office depends upon the person himself, and that an efficient coroner's office or medical examiner's office requires both a medical and a legal knowledge in order: (1) to determine the cause of death, (2) to supervise proper investigation, and (3) effectuate law enforcement.

"If he is untrained, his mistaken verdicts can convict the innocent and set the murderers free." It is the duty of the coroner's office to properly examine and when necessary autopsy all subjects. X-ray examination and toxicological examinations are a must where the causes of death are not reasonably certain. Murder can easily be hidden and murderers can travel freely in society because a death has not been properly reviewed by efficient pathological, X-ray and toxicological experts or because of a lack of proper scientific and testing equipment to aid these experts. A factual report to these experts before the autopsy can help them determine what evidence is relevant and important. Medical examination must be accompanied by detailed investigation of the circumstances surrounding the death. The evidence available at the time of this investigation must be properly accumulated, digested and recorded so that none of it is misunderstood, mutilated, destroyed or improperly used, guaranteeing that when a crime exists it may be discovered and officials may conduct efficient prosecution at a later date.

It is also the duty of the coroner and his staff not merely to recognize crime and aid in convicting and punishing the guilty, but also to gather evidence necessary in establishing whether the death be accidental, suicidal, homicidal or natural. It is further their duty to completely explain and report the facts, so that the innocent may be protected, the reputation of families secured and the dead properly represented.

The coroner has a further duty of digesting the findings in any one or group of investigations, views or inquests, and utilizing them by transmitting the information gained therefrom to the proper authorities, for the purpose of eliminating any such deaths in the future.

Numerous accidents and deaths, because of dangerous conditions, can be minimized if the coroner, in addition to his other duties, considers himself a civic officer and pursues the reporting of the needed changes to the proper officials and to the public generally.

The coroner's office can best approach perfection where it maintains proper and complete cooperation and co-ordination with the medical units and police officials of the county, and the community generally. When these groups cooperate and coordinate their information and utilize their combined influence to effectuate efficiency, the community benefits, because unnecessary deaths and injuries are eliminated, because past deaths serve a purpose in the sense that such future deaths and resulting catastrophes may be averted, and, finally, because the innocent are protected and the guilty properly punished.

HOMICIDE LAW

I. General

A. Definition

Killing of one human being by another

B. History

1. Based on Common Law (unwritten law of England prior to establishment of States)
2. Further explained and modified by Statutes, or State Laws

II. Kinds

A. Felonious

1. Murder

a. Definition

Killing of one human being by another with malice aforethought

- (1) Malice may or may not be accompanied by ill will
- (2) Malice may be expressed or implied
 - (a) Implied malice
Where act that is committed would have a tendency to kill somebody
 - (b) Felony-Murder Doctrine
The killing of somebody while engaging in the commission of a felony

Note: Important if that type of felony is dangerous to others
AND
Whether the act committed is the proximate cause of the death

b. Degrees of murder

(1) At Common Law there were no degrees of murder

Note: Dividing line was deliberation and premeditation

c. Under Modern Laws usually 1st and 2nd Degrees of murder

2. Manslaughter

a. Culpable negligence

b. Assisting another in the commission of self murder (suicide)

c. Killing of an unborn quick child by injury to the mother, if such injury to the mother would be murder if her death resulted therefrom

d. Abortion or intentional miscarriage resulting in death to the mother

e. Death from a vicious animal

f. Intoxicated physician administering drugs or medications, from which death results

Note: Classification of manslaughter

a. Voluntary

(1) Intentional

(2) Without malice

(3) Committed in heat of passion

(4) When act is urged by adequate provocation

- b. Involuntary manslaughter
 - (1) Unintentional
 - (2) Without justification
 - (3) Without excuse
 - (4) Without malice
- B. Non-felonious
 - 1. Justifiable homicide
 - a. Definition
 - Committed with intent but under circumstances of duty as to render the act proper
 - b. Examples
 - (1) Self defense
 - (2) Defense of a relative, where he is without fault in provoking the conflict
 - (3) Preventing the commission of a felony
 - (4) Killing of a felon to prevent escape
 - Note:* Cannot kill to prevent escape of a person who has committed a misdemeanor
 - (5) Suppressing a riot
 - (6) Lawfully keeping or preserving the peace
 - (7) Execution of a condemned person
 - 2. Excusable
 - a. Definition
 - Under circumstances of accident or necessity, where the party cannot strictly be said to have committed the act wilfully or intentionally

b. Examples

- (1) During the lawful and reasonable correcting of a child or servant
- (2) In the heat of passion
 - (a) Upon sudden provocation
AND
 - (b) Without undue advantage being taken
AND
 - (c) Without a dangerous weapon
AND
 - (d) Not done in a cruel or unusual way or manner

C. Accidental

1. Definition

- a. Happening by chance or unexpected
AND
- b. Without foresight or expectation
AND
- c. Without design or intent

INVESTIGATIVE PROCEDURE

SYNOPSIS

Common sense should guide the investigator in conducting his investigation, and some emergencies may call for various types of action; for example, where death may occur in a schoolyard or in a crowded area it is permissible to cover the body with a sheet or blanket which will keep same from the view of innocent bystanders and yet will not destroy any evidence, if carefully done. The chalking of the outline of the body, I believe, is unnecessary, in that all the essential investigation concerning the placing of that body should be completed before same is removed; however, under certain circumstances, for example where the person is presumed to be alive and while waiting for an ambulance to remove him, it might be advisable to draw an outline of his position for further study, sketching and pictures.

It should be noted at this time that the investigator should conduct himself well, interrogating and retaining the old witnesses, but with the concept of not creating new ones by conducting an improper and ill-advised type of investigation which might be subject to criticism by those present.

His next step is to write a description of the body, where lying and how lying, describing all visible wounds and bloodstains, where located and, more particularly, the color, size and thickness, amount of drying and shape of the said stains.

The investigator will often find it well rewarding to have a stenographer with him during his investigation so that he may, upon approaching the scene, simply start thinking and talking out loud, having all of his comments noted and later transcribed. This procedure can be of tremendous help in allowing freedom of action, eliminating unnecessary diversion and permitting full description of the entire investigation, plus an accurate, complete and verbatim accounting of everything said and done. (See Forms 23-38.)

INVESTIGATION PROCEDURE

- I. Minimum equipment necessary to conduct investigation
 - A. Loose leaf notebook
and
 - B. Measuring tape
- II. Precepts for investigation
 - A. Approach scene with objective, not preconceived opinion
 - B. Don't make final evaluation of evidence at first search
 1. Preserve scene
 2. Preserve evidence to prove opinion
 3. Record all pertinent facts
 4. Cross-examine yourself
- III. Fundamentals of evidence collection (Fig. 1)
 - A. Protect against adulteration, contamination and loss
 - B. Provide adequate amount of collected material for study and analysis
 - C. Keep items separated
 - D. Label each item as it is taken
 - E. Seal evidence containers
 - F. Record chain of evidence, including
 1. Persons in possession of same
 2. Time of transfer
 3. Place of transfer—always obtaining
 4. Receipts for evidence, as transferred to another

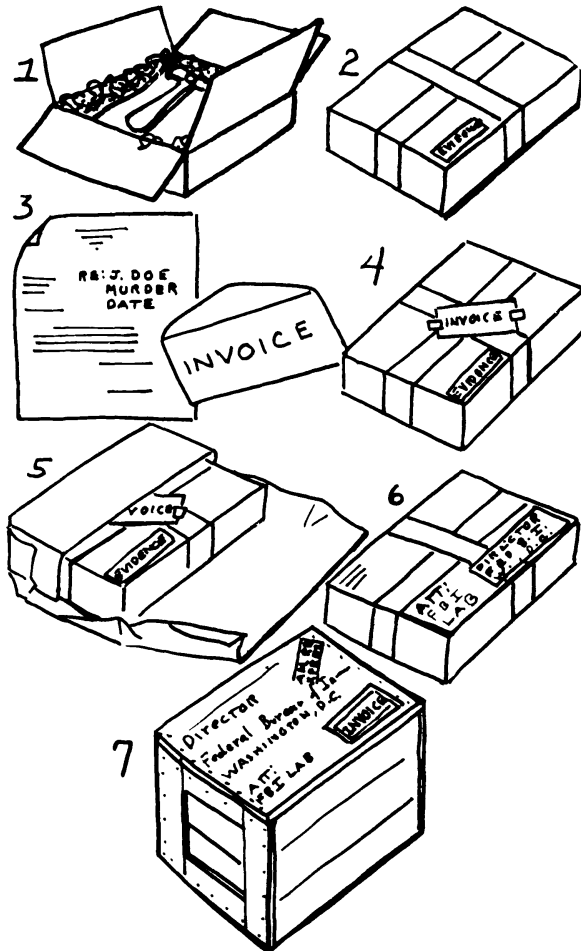


FIG. 1. Evidence should be placed securely in box, sealed and marked, as illustrated above. A copy of transmittal letter should be enclosed in the envelope and marked "Invoice."

- IV. Scope of examination is for
 - A. Comparison and/or

- B. Identification
- V. At time of original call, record
 - A. Manner in which call received
 - B. From whom
 - C. Date
and
 - D. Time
- VI. On arrival on scene, record
 - A. Time
 - B. Place
 - C. Weather conditions
 - D. Persons on scene
and
 - E. Their information concerning the death
 - F. Survey the body
 - 1. Without disturbing or moving
 - 2. Just to satisfy self that the subject is dead
BUT
 - 3. If any doubt prevails as to existence of life presume the subject alive and act accordingly
- VII. Preserve the scene by
 - A. Restricting all unnecessary persons from the locale
AND
 - B. Then conducting a methodical, orderly, air-tight investigation
 - 1. Complete description of body
 - a. Where and how lying
 - b. Description of visible wounds
 - c. Description of blood
 - (1) Where located
 - (2) Size

- (3) Direction of flow
- (4) Color
- d. Clothing on subject
 - (1) Describe, starting from top to bottom
 - (2) Note condition of clothing
- e. Jewelry on subject

Note: If no jewelry, state same

Note: Do not touch or move the body, and describe only what can be seen without the necessity of disturbing the subject

- 2. Complete description of area (Fig. 2a and Fig. 2b)
 - a. Note in writing everything observed
 - b. With free hand, draw the outline of the area
 - c. Draw permanent fixtures
 - d. Indicate where body is lying
 - e. Take accurate measurements
 - f. Note measurements on the free hand sketch
 - g. Measure body from permanent fixtures
AND
 - h. Make accurate and permanent diagram at a later time

Note: NEVER substitute photographs for sketch and actual measurements
(See Form 20 for sketch symbols.)

- 3. Photographs
 - a. Should be taken by experts
 - b. In a clockwise direction
 - c. Starting north