



Report Summary of Jurisdictional Survey

INTRODUCTION AND JURISDICTIONAL SURVEY

In an effort to assess the extent of jurisdictional conflicts/issues among death investigation offices, a survey was sent in September 2011 to members of NAME, ABMDI and IACME with the following questions:

The Scientific Working Group on Medicolegal Death Investigation (SWGMDI) has prepared a brief survey to determine the extent of cases in which jurisdictional issues arise (cases in which there is conflict about which jurisdiction/office should investigate the death). If you could assist in this project, it would be greatly appreciated.

The data items you need to complete the survey are:

- 1) The Name of your office and city and state where it is located
- 2) The number of cases your office investigates each year NOT counting cremation review cases or declined jurisdiction cases
- 3) The number of cremation review cases managed by your office per year
- 4) The number of declined jurisdiction cases managed by your office per year
- 5) The number of cases per year in which jurisdictional issues/conflicts arise
- 6) An estimate on a scale of 0-10 of the magnitude of jurisdictional problems faced by your office (0 = no problem, 10 = major problem)
- 7) Your email address
- 8) Your job title
- 9) Comments, if any

Responses were received from 72 offices, in 27 states and 1 Canadian province. Of the 69 responders who answered the question asking for an estimate on a scale of 1-10 the magnitude of jurisdictional problems faced by their office, the answers ranged from 0 to 10; however the average was 1.01, suggesting that in general jurisdictional issues are a very minor problem for most offices.

COMMENTS

Respondents addressed a number of recurring themes. When jurisdictional issues or conflicts arise, it is often over the question of who will pay for the investigation and/or autopsy. In offices for which the magnitude of jurisdictional issues was rated very low, the jurisdictional issues that arise are dealt with effectively with communication and cooperation. Several respondents said

that they have resolved potential conflicts by developing good relationships with the other jurisdictions involved.

CONCLUSION

Based on this survey, the respondents' overall perception of jurisdictional conflicts was low, however this varied from region to region and respondents represented only half of U.S. states.

Knowing how varied investigations and systems are across the country and even from county to county, there is probably a role for the SWGMDI to set a standard concerning jurisdiction, both to help those who are dealing with the issue now, as well as to support better policies in the future.

Additionally, often jurisdictional issues are not dealt with on a case by case basis but supported by office policy or jurisdictional bureaucracy. For example, some jurisdictions will not do or request a scene investigation if the decedent is transported from an outlying county when they take jurisdiction of the case. In those cases, there is not conflict over who takes the case, but the jurisdictional issues affect the overall investigation, as a lack of local scene investigation precludes an adequate overall investigation. Or the forensic pathologist may only have jurisdiction over the autopsy at the autopsy facility, but not the scene investigation. Again - who takes jurisdiction of the case is not a conflict but the policy around how the case is investigated when more than one jurisdiction is involved absolutely is.

Perhaps the best way to deal with these jurisdictional issues will be through the standards on scene investigation, requiring that an adequate scene investigation be performed, regardless of who has jurisdiction. Finally, if the SWGMDI becomes involved in writing model legislation on medicolegal death investigation, the topic of how jurisdictional issues should be resolved will need to be addressed at that time, as well.

Respectfully submitted,
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