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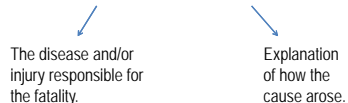
Abstract

Death certification of “suicide by cop” is controversial among some medical examiners and coroners. We present five such deaths that were certified as suicides and discuss the medico-legal issues involved with these certifications. To certify such a death as a suicide, certain criteria should be met. Suicide by cop is a circumstance that involves competing intentional acts that may result in dichotomous determinations of the manner of death. Despite the absence of direct self-infliction, there is overwhelming evidence that these five individuals intended to end their own lives. Their use of an unusual method to accomplish this goal may inappropriately result in a reflexive certification of homicide. All of the decedents possessed weapons or a facsimile of a weapon. We present five instances of suicide by cop and contend that these types of deaths are best certified as suicides.

Introduction

The role of the forensic pathologist is to be an unbiased fact finder who determines the cause and manner of death according to consistent criteria.

Cause of Death vs. Manner of Death



Manners of Death

- Natural
- Homicide
- Suicide
- Accident
- Undetermined

Violent death caused by an act of the decedent with an intent to kill him/herself.

The criteria included in the definition for suicide do not take into account special circumstances in which there is direct evidence that the decedent had an intent to die but accomplished that intent at the hand of another.

Suicide by Cop

Incident in which an individual engages in behavior which poses an apparent risk of serious injury or death, with the intent to precipitate the use of deadly force by law enforcement personnel towards that individual (defined by Mohandie and Meloy)

This study presents five examples of suicide by cop (also known as “police-assisted suicide” or police-assisted homicide”) and discuss why suicide (not homicide) is the appropriate manner for these deaths.

Materials and Methods

The New York City Office of Chief Medical Examiner (NYC OCME) investigates all unexpected, violent, and suspicious deaths in New York City. We identified five medical examiner death certificates between January 1, 1996, and October 1, 2006, in which the decedent died because of gunshot wounds (GSWs) inflicted by one or more law enforcement agents (“shot by police”), and the manner of death was certified as suicide. During the study period, there were a total of 5442 suicides and 7603 homicides. We reviewed the medical examiner records, which included the autopsy, toxicology, police, and medical examiner investigators’ reports. All deaths underwent autopsy and toxicology testing. The law enforcement agents were City Police in all deaths.

Results

- 5 suicides due to GSWs inflicted by law enforcement during the study period in NYC
- All decedents were men; average age of 34 years (range 26-43)
- Ethanol and cocaine detected in two decedents
- Other three decedents had psychiatric illness
- All decedents had injuries caused by handguns
- All possessed a weapon or a facsimile of a weapon
- One decedent sustained a single GSW, and others had 3-7 GSWs (more than one officer involved)
- There were five penetrating, 10 perforating, and six graze wounds.
- No gunshot residue (fouling or stippling) was observed on the skin surrounding the wound, in the wound track, or on the clothing in any instance.

Case #1

- 26yo WM with psychiatric history
- Grabbed passing woman on busy street
- “Fat Joe” told him to kill her
- Stated “If ‘they’ kill me, then I will not have to kill you.”
- Police arrived and he cut the victim’s neck.
- Ran down street and took another woman hostage
- Held knife to her neck
- Stated “I’m going to kill her” and begged police to kill him
- Postmortem toxicology- negative

Case #2

- 43yo M with history of anxiety and depression
- Beat his mother
- Slashed his wrists and torso
- Menaced police with gun and knife
- After numerous orders to drop the weapons, he was shot by police.
- Witnesses: “he definitely wanted to die” and told police to “aim higher”
- Postmortem toxicology- negative

Case #3

- 43yo M with history of bipolar illness, recent depression, suicidal ideation
- Few years prior- waived and pointed pellet gun and knife at people, told police he wanted to die
- Police talked him out of it and placed him in psychiatric hospital for 4 months
- Suicidal comments in months preceding death
- Upset over medical condition- short stature and absence of secondary sexual characteristics
- Drove to former work location
- Threw rock through ex-manager’s car window
- Observed to be holding handgun
- Led police on high-speed pursuit
- Stopped car, exited vehicle, pointed handgun at police
- Postmortem toxicology- negative

Case #4

- 32yo M with NO history of psychiatric illness
- Estranged from domestic partner with whom he had a child
- Upset she did not want to be with him
- Previously assaulted and threatened to kill her
- Call her at work (pawn shop) and threatened her
- Arrived at the pawn shop minutes later
- Fatally shot employee who confronted him
- Workers escaped to basement and called 911
- Ex-girlfriend forced into “safe room.”
- Bludgeoned her to death with revolver and stabbed her with spear gun.
- Police entered; decedent pointed inoperable gun at 2 officers
- Suicide note recovered from his home.
 - Could no longer live this way
 - Instructions and money for body disposal
- Postmortem toxicology- positive for ethanol and cocaine



FIG. 1—Inoperable handgun with bent trigger and trigger guard (case no. 4)

Case #5

- 26 WM with history of depression and drug abuse
- Fleeing homicide warrant in California visiting mom
- “I won’t go back to prison”
- 2 AM asked mother for money to go to Manhattan, got car service
- Before leaving, he pulled out a “shiny, silver” gun.
- He pulled the trigger and flame came out of the end (lighter).
- Called 30 minutes later; told her to look under the photos on the coffee table for note.
- “Goodbye, I really did want a good life. I’m sorry, I love you, John.”
- Told driver to bring him to club on W 39th & 8th Ave.
- He pointed gun at people standing outside of club.
- He exited car and pointed gun at another person.
- Got back in car and drove around block.
- Person at Club told passing RMP of gun incident.
- Police car pulled over livery cab.
- He got out of car with gun
- Postmortem toxicology- positive for ethanol and cocaine

Discussion

- Competing intentional acts may result in dichotomous determinations of the manner of death

Operational criteria for suicide:

Intent: evidence (explicit and/or implicit) that, at the time of the injury, the decedent intended to kill him/herself or wished to die and that the decedent understood the probable consequences of his/her actions

Self-infliction: evidence that death was self-inflicted (injury that is inflicted or imposed on oneself); determined by pathologic (autopsy), toxicologic, investigatory, and psychologic evidence and by statements of the decedent or witnesses.

- How literal is this? A person who intentionally walks in front of speeding train is self-inflicting the injury even though they are not operating the train. Are these police shootings an analogous situation?

Suicide by Cop

(Hulston et al criteria)

1. Suicidal intent
 2. Intent to be shot by law enforcement
 3. Possession of a lethal weapon or facsimile
 4. Intentional escalation of the encounter
 - 5th criterion? Legal use of force by law enforcement
- ME / C may be reluctant to certify these deaths as suicides for fear of appearing biased toward the police or the municipality.
 - Defining homicide as a death that occurs at the hand of another may explain and easily defend their certification of homicide. However, all deaths that occur at the hand of another are not certified as homicides. For example, deaths caused by athletic injuries, most motor vehicle collisions, medical errors.
 - We believe that suicide by cop is another exception

Conclusion

“SUICIDE BY COP”
 Manner: SUICIDE

7F: Deliberately provoked police to shoot

- Competing intentional acts may result in dichotomous determination of the manner of death
- Police shooting in absence of compelling circumstances = Homicide
- Death at hands of another + homicide
- Consider suicide!