Death Certification of “Suicide by Cop”

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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-inflation, 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 inappropriate 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.

Manner of Death

The disease and/or injury responsible for the fatality.

Manner of Death

Natural

Homicide
Suicide
Accident
Undetermined

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 that 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 Mohandle 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 5424 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

Case #3

43yo M with history of bipolar illness, recent depression, suicidal ideation

5 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

Mentally ill

Homicide

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

Fattily 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

Case #5

26 yo 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 PM of gun incident.

Police car pulled over icy cab.

He got out of car with gun

Postmortem toxicology- positive for ethanol and cocaine

Discussion

Operational criteria for suicide:

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

Self-inflation: 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.

Definition of homicide as a death that occurs at the hands 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 to the “homicide” rule.

Conclusion

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