

NOT AN ~~ACCIDENT~~

Legislative Fact Sheet

Advocating for the Classification of Homicides on Death Certificates

Coroner Charles E. Kiessling said Wednesday it is time to stop dancing around the issue and "call it what it is."

He now lists homicide as the manner of death-on-death certificates in cases where heroin has been determined to be the cause.

"If you are selling heroin to someone and they die, isn't that homicide?" he asked.

The manner of death section of the death certificate was introduced in 1910 to collect crucial data for identifying public health issues and influencing policy decisions, research, and funding.

1. Purpose of Manner of Death Classification:

Common Position: The National Association of Medical Examiners classifies impaired driving and drug poisoning fatalities as accidents when there is perceived lack of intent to kill.

Truth: These deaths should not be labeled as accidents, as thorough investigations by law enforcement often lead to criminal charges against the responsible parties. This misclassification by NAME or coroners undermines efforts to effectively address the public health crises these issues create.

Common Position: Medical examiners often avoid using the term "poison" as a cause of death, fearing it may be "misconstrued" as extending beyond medical diagnosis and could potentially initiate criminal investigations and prosecutions.

Truth: Death certificates are legal documents that prioritize accuracy above all else. Despite this, medical examiners and investigators frequently use the term "overdose" to describe "poisonings," which misrepresents the circumstances

surrounding the cause of death. This misclassification is more likely to hinder legitimate investigations and prosecutions rather than trigger judicial action.

Truth: The manner-of-death section was created to reveal threats to public safety and help prevent future deaths. Misclassifying homicides as accidents defeats the purpose of the death certificate as a public-health tool.

Truth: NAME's guidance has not kept pace with modern drug-poisoning realities. Their "accident" default creates the false impression that these deaths are random or unpreventable, when the real cause is the distribution of lethal substances.

2. Classification of Deaths:

- **Common Position:** Fentanyl and impaired driving deaths are classified as "accidents" due to a lack of evidence of intent by the person causing the death.
- **Truth:** By definition, any death caused by the actions of another person, regardless of intent, constitutes a homicide. NAME's guidelines explicitly state that intent is not a prerequisite for classifying a death as a homicide.

3. Concerns About Criminal Investigations:

- **Common Position:** Medical examiners hesitate to classify fentanyl and impaired driving deaths as homicides to avoid triggering criminal investigations or prosecutions.
- **Truth:** With over 500,000 fentanyl-related deaths in the past decade and only 2% resulting in prosecutions, the misclassification of these deaths as accidents suppresses legitimate investigations, protects offenders and avoids legal accountability. In fact, a mislabeled death prevents investigations from ever starting.

4. Guidelines vs. Standards:

- **Common Position:** NAME's recommendations are often viewed as "guidelines" rather than mandatory standards for individual certifiers.
- **Truth:** These "guidelines" provide medical examiners with the flexibility to change the manner of death classification from accident to homicide when warranted.

5. Traffic Fatalities and Negligence:

- **Common Position:** Fatalities involving pedestrians and drivers exhibiting negligent behavior or probable intoxication may be certified as "accidents."

- **Truth:** Impaired driving fatalities are homicides, regardless of whether they involve a pedestrian or another vehicle, as they clearly meet the standard of death at the hands of another person.

6. Discretion of Medical Examiners:

- **Common Position:** While medical examiners and coroners have the discretion to classify these deaths as homicides based on their medical opinions, **they rarely do.**
- **Truth:** Instead, they tend to prioritize adherence to outdated conventions and consistency over the accuracy of their classifications.

7. Autopsy vs. Scene Investigation:

- **Common Position:** Autopsies provide the best information about the circumstances surrounding a death.
- **Truth:** The most accurate information about suspicious deaths is often gathered at the scene and through follow-up investigations, rather than solely from autopsies.
- **Truth:** Autopsies reveal how someone died—not who caused it. Accurate manner-of-death determinations must include investigative information from the scene, witness statements, toxicology context, and law-enforcement findings.

8. Changing the Classification:

- **Common Position:** Medical examiners can change the manner of death-on-death certificates if new information justifies a change.
- **Truth:** Medical examiners are often reluctant to change death certificates, fearing it will undermine their medical opinions. Changes are infrequent, even when a death has been ruled a homicide in court.
- **Truth:** NAME's own documents allow certifiers to classify a case as homicide when circumstances warrant it. Yet coroners rarely ever revise a manner of death—even when a criminal court has ruled the death a homicide.

9. Impact on Data Validity:

- **Common Position:** Changing the classification of fentanyl and impaired driving fatalities from “accident” to “homicide” would undermine the validity of previously collected data.
- **Truth:** The positions taken by the National Association of Medical Examiners involving classifying manner of death in fentanyl and impaired driving fatalities as “Accidents” instead of homicides have misdirected policy, research, and grant

funding. The result is structural flaws in addressing those public health issues that maintain the problems they are meant to solve.

- **Truth:** Implementing a new approach to classify these fatalities as homicides does not necessitate amending past certifications; it only requires notifying the registrar of the change in classification approach.

10. Public perception or Public Misconceptions or Common Misunderstandings?

- **Position:** The public often perceives drug poisonings as accidents, believing that victims contribute to their own deaths by choosing to take drugs.
- **Truth:** While victims may make the choice to take a drug, they do not intend to consume a substance that could be lethal. If they were aware that the drug contained a dangerous amount or a different, deadly substance, they likely would have abstained. The responsibility for these tragic outcomes lies not with the victims, but with the circumstances that led to their exposure to harmful substances.
- **Position:** A common misconception is that if a person does not intend for something harmful to occur, it should be classified as an accident.
- **Truth:** The term "accident" does not account for intent; it focuses on misconduct. One of the most dangerous forms of misconduct is driving while impaired by alcohol, drugs, or distractions. Labeling all roadway incidents as "accidents" implies a false presumption of innocence, allowing negligent drivers to evade accountability. In reality, data shows that impaired drivers are statistically more likely to cause crashes, making the term "accident" a misrepresentation of impaired driving.