

Investigative Report
STATE OF IOWA



CITIZENS' AIDE/OMBUDSMAN

**INVESTIGATION INTO THE TIMELINESS OF THE DEATH NOTIFICATION TO THE SURVIVING
SPOUSE OF A MOTOR VEHICLE ACCIDENT VICTIM**

TO:

Kevin W. Techau, Commissioner, Iowa Department of Public Safety;

Dennis Kucera, Sheriff, Tama County Sheriff's Office;

Dr. Dennis Mallory, Medical Examiner, Tama County Medical Examiner's Office; and

Dr. Julia Goodin, Chief State Medical Examiner, Iowa Office of State Medical Examiner

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INTRODUCTION TO INVESTIGATIVE REPORT

Role of the Ombudsman

The Office of Citizens' Aide/Ombudsman (Ombudsman) is an independent, nonpartisan agency of the Iowa General Assembly. Its powers and duties are defined in Iowa Code Chapter 2C.

The Ombudsman investigates complaints against most Iowa state and local governmental agencies. The Ombudsman can investigate to determine whether agency action is unlawful, contrary to policy, unreasonable, unfair, oppressive, or otherwise objectionable. After an investigation, the Ombudsman may issue an investigative report, stating its findings and conclusions, as well as any recommendations for improving agency law, policy, or practice.

The Complaint

Kirke C. Quinn, Attorney for Jo Anne Holland, first contacted the Ombudsman by letter dated January 2, 2004. Quinn also addressed his letter to the Governor's Office, Iowa State Patrol (ISP), and Iowa Department of Public Safety (DPS). Quinn characterized his letter as a complaint against ISP regarding "the method and manner of reporting the death of Ross Holland to his surviving spouse." According to Quinn, Mrs. Holland "went through hours of misery as a result of the patrol's inattention to a tragic situation."

On January 7, 2004, the Ombudsman asked ISP Major Gary Hoskins, Supervisor of Field Operations, how ISP and DPS intended to respond to Mr. Quinn's letter. Major Hoskins stated he would refer Quinn's letter of complaint to DPS' Professional Standards Bureau (PSB) for investigation and response.

After speaking with Major Hoskins, the Ombudsman told Mr. Quinn that DPS would do an internal investigation and if he were not satisfied with the results he could contact the Ombudsman again.

On March 29, 2004, Mr. Quinn contacted the Ombudsman and stated he was not satisfied with DPS' response. Quinn stated he would send a copy of the response to the Ombudsman, along with a letter stating his outstanding issues and concerns. In his letter to the Ombudsman, dated May 5, Quinn simply stated: "Please find enclosed [a] copy of the letter received from the Department of Public Safety. We think this is an absolute outrage. We welcome your input."

The Ombudsman's Investigation

In DPS' February 11, 2004 letter of response to Mr. Quinn, PSB's Jeff N. Ritzman summarized the results of DPS' internal investigation and then concluded that "all members of the State Patrol followed proper training and procedure in the Holland case." Ritzman stated: "The Tama County Medical Examiner, with oversight responsibilities for the investigation of Mr. Holland's

death, did not authorize the State Patrol officers assisting with the investigation to make a notification to Mrs. Holland. It was not until late in the evening, after Mr. Holland's remains were moved to Des Moines and placed under the authority of the State Medical Examiner, that State Patrol personnel were authorized to make the notification."

After reading Ritzman's letter, the Ombudsman called Mr. Quinn and told him the Ombudsman would investigate his complaint. The Ombudsman told Quinn the investigation would determine whether ISP staff acted contrary to law or rule, inconsistent with agency policy or practice, or unreasonably in the way they handled the death notification in the case of Ross Holland.

During his investigation of Mr. Quinn's complaint, the Ombudsman discovered actions and decisions by personnel in several other government agencies that affected the manner and timeliness of the Holland notification. As a result, the Ombudsman's investigation broadened. Instead of just ISP, the Ombudsman investigated to determine if any of the involved agencies' staff acted contrary to law or rule, inconsistent with agency policy or practice, or unreasonably.

The Ombudsman reviewed Iowa law, DPS and Iowa Department of Public Health (DPH) administrative rules, and ISP policies and training materials. The Ombudsman also reviewed various records, generated by agencies and individuals, all related to the Holland notification. The Ombudsman conducted more than thirty (30) interviews. The Ombudsman interviewed agency staff, family members of two victims, and several individuals from other agencies or organizations engaged in the work of accident or death investigation.

The Ombudsman's Report

The Ombudsman's Report is divided into three (3) substantive sections:

- Review of Events, Law, Policy, and Practice
- Findings and Conclusions
- Recommendations

The "Review of Events, Law, Policy, and Practice" section reports those events the Ombudsman believes are relevant in understanding when and how Jo Anne Holland received notification of Ross Holland's death. This section includes information regarding Iowa law and agency policy and practice, as well as information contained in records of various agencies and individuals. This section also includes testimony from persons involved in the accident investigation, the cause and manner of death investigation, and the death notification.

The "Findings and Conclusions" section reports the Ombudsman's findings of fact based on the information collected during the investigation, as well as the Ombudsman's conclusions based on application of relevant law and policy to the collected facts.

The "Recommendations" section reports the proposed changes in law, rule, policy, or practice, which the Ombudsman believes will improve agencies' efforts in identifying persons killed by accident or criminal activity so that next of kin are notified as soon as possible.

Agency Responses

On September 8, 2005, pursuant to Iowa Code section 2C.15, the Ombudsman sent a draft report to four agencies – Iowa Department of Public Safety, Tama County Sheriff's Office, Tama County Medical Examiner's Office, and Iowa State Medical Examiner – asking each of them to respond to the proposed findings and conclusions, analysis, and recommendations.

Three of the four agencies responded. Dr. Julia C. Goodin, Iowa Chief State Medical Examiner, responded on behalf of the Iowa Office of the State Medical Examiner, via letter dated September 23, 2005. Kevin Techau, Commissioner of the Iowa Department of Public Safety, responded on behalf of the Iowa State Patrol and the Department of Public Safety, via letter dated October 7, 2005. Dr. Dennis Mallory responded as Tama County Medical Examiner via letter dated October 15. Copies of their response letters are attached.

Redactions in Report

Iowa Code section 2C.9 allows the Ombudsman to have access to information relevant to an investigation. The Ombudsman, however, is subject to laws pertaining to the disclosure of confidential or privileged information obtained in the investigation. The Ombudsman consulted with persons and entities or their attorneys in determining what information can be disclosed in the report, based on case law, and federal and state statutes and regulations applicable to the circumstances. As a result of those consultations, the Ombudsman has redacted the report to remove parts in the report that the Ombudsman can not disclose by law or is not otherwise authorized to disclose. The redactions are denoted by dash marks (----) in the report.

REVIEW OF EVENTS, LAW, POLICY, AND PRACTICE

The Ombudsman believes the following events are relevant and significant in understanding when and how Jo Anne Holland received notification of Ross Holland's death. Along with the event chronology, the Ombudsman has included information regarding Iowa law and agency policy and practice. Such information is offered to explain agency decisions and actions that affected the notification process.

This Review draws from multiple sources, including records of various agencies and individuals, as well as testimony from persons involved in the accident investigation, the cause and manner of death investigation, and the death notification. It also contains testimony from persons who were not involved but who are engaged in the work of accident or death investigation. Such testimony is offered to provide additional perspective and insight.

June 22, 2002

- 8:00 am Ross Holland left his home in Boone, Iowa, to join friends to ride motorcycles to Anamosa, Iowa. His wife, Jo Anne Holland, expected him home later in the day, between 5:30 and 6 pm. [*Letter from Kirke C. Quinn, Attorney for Jo Anne Holland, to Governor Tom Vilsack, Commissioner Kevin W. Techau, and others, 1-2-04; Holland Interview 1-11-05*]
- Doug Sampson, one of Ross Holland's motorcycle riding partners, who lived in Ames, Iowa, left a note for his wife, Pauline Sampson, stating he was going to Anamosa with others and would not be home until 7 or 8 pm. [*Pauline Sampson Interview 2-8-05*]
- 9:30 am Jo Anne Holland went shopping with friends. [*Holland Interview 1-11-05*]
- 11:05 am A van driven by Gary Lee Butler, heading west on US Highway 30, crossed the center line one mile west of Highway 21, or about fourteen (14) miles east of Tama, Iowa, and struck four of six motorcyclists, traveling in a group. Three of the four stricken motorcyclists – Holland, Sampson, and Arlen Pickering – died at the scene. Butler and the other three motorcyclists – Richard Vauble, James Olson, and Wayne Wierson – suffered injuries and received treatment at nearby hospitals. [*Investigating Officers Report of Motor Vehicle Accident, Law Enforcement Case Number SP2111471741*]
- 11:10 am State Radio reported: "10-33 [Emergency] // GA // 10-50 [Accident] PI [Personal Injury] 3 MCS E66 AND HWY 30 MULTIPLE INJS // CLOSEST CAR IS 180 CAR // 10-4 COULD YOU SEND THEM // 10-4 //." [*ISP Communications Radio Log*]

- 11:12 am Iowa State Patrol (ISP) Trooper Aaron Williams was en route. State Radio reported: “// E66 AND HWY 30 TAMA CO 3 MC’S MULTIPL INJS RQST YOU BE ENR // 10-4 ENR.” *[ISP Communications Radio Log]*
- 11:14 am Tama County Sheriff’s Office logged: “Three severely injured, several motorcycles involved.” *[Call Summary Report, Call 02005489]*
- 11:15 am ISP Sergeant Randy Stone was advised of the accident. *[ISP Communications Radio Log]*
- 11:17 am ISP Trooper Kent Brown was en route. *[ISP Communications Radio Log]*
- 11:18 am Sgt. Stone was advised that Trooper Williams was en route. State Radio reported: “// INFO REF 10-50 PI AND 206 ENR // 10-4 MY PHONE AT HOME IS MESSED UP IF NEEDED TRY MY CELL.” *[ISP Communications Radio Log]*
- 11:27 am State Radio reported: “//INFO FROM JOHN LAMB AT SCENE OF 3 SERIOUS, 2 CRITICAL REQ 2ND HELICOPTER ENR// OK, 2ND IS ENR HAVE 2 FATALITIES.” *[ISP Communications Radio Log]*
- Tama County Sheriff’s Office logged: “REQUESTING TI [ISP Traffic Investigator] TWO OR THREE FATAL.” *[Call Summary Report, Call 02005489]*
- Tama County Sheriff’s Deputy Chad Hansen responded to the accident, along with two other deputies. As the senior on-scene deputy, Dep. Hansen surveyed the accident scene, and then made the decision to call ISP. Dep. Hansen told the Ombudsman if there are multiple injuries or a fatality or if the accident appears alcohol-related, he requests an ISP Traffic Investigator (TI) “because that is their specialty.” *[Dep. Hansen Interview 7-22-04]*
- Normally, on any federal highway, if there is a death, ISP sends a specially trained TI to investigate; and in this case, ISP sent Trooper Brown. *[Dr. Mallory Interview 6-24-04]*
- 11:28 am Trooper Williams asked State Radio to advise Sgt. Stone regarding “multiple fatalities.” State Radio reported: “// GA // MULTIPLE F ADV SUPRVSR.” *[ISP Communications Radio Log]*
- 11:30 am State Radio advised Sgt. Stone, who then offered to assist. State Radio reported: “// INFO REF MULTIPLE FATALITY // OK. IF NEED ANYTHING CALL ME ON CELL AND I’LL COME OUT.” *[ISP Communications Radio Log]*
- 11:30 am Tama County Sheriff’s Office contacted Tama County Medical Examiner Dr. Dennis Mallory. *[Call Summary Report, Call 02005489]*

The County Medical Examiner is responsible for investigating the “cause and manner” of a person’s death if that death “affects the public interest.” *[Iowa Code section 331.802]*

Dr. Mallory told the Ombudsman his job as the County Medical Examiner is to determine the identity of the deceased and the cause and manner of death. When he is called to an accident scene, he takes “control of the body,” which means the body is not moved or touched, unless he gives permission. *[Dr. Mallory Interview 6-24-04; Iowa Department of Public Health (DPH) rule 641-127.2]*

Trooper Brown told the Ombudsman, “It is pretty much up to the medical examiner as to what is done with the body and at what point. The medical examiner contacts a funeral home, and the body is taken back to the funeral home or to a morgue.” *[Trooper Brown Interview 7-13-04]*

11:30 am Jane Wierson, wife of Douglas Sampson’s best friend, Wayne Wierson, visited Pauline Sampson at her home. Wayne had called Jane, and told her about the accident. Jane was “shocky looking,” and she had trouble getting the words out. “Have you heard? There’s been an accident.” Seconds later, Wayne called Sampson. He said he was calling from inside an ambulance. According to Sampson, Wayne did not tell her at that time that her husband had been killed or injured in the accident. *[Sampson Interview 2-8-05]*

11:37 am Trooper Brown arrived at the scene. *[ISP Communications Radio Log]*

When he arrived, Trooper Brown saw “motorcycles lying all over the place and this van sitting on the shoulder.” Tama County Sheriff’s Deputies, who were already at the scene, gave him a “rundown of what they knew so far, as far as what happened.” Later, the deputies advised him regarding the number of fatalities and the extent of injuries to the other victims. *[Trooper Brown Interview 7-13-04]*

11:40 am Trooper Williams arrived at the scene. *[ISP Communications Radio Log]*

11:41 am Trooper Brown requested assistance. State Radio reported: “CHECK WITH SUPRVSR FOR ISP200 TO COME OUT FOR ASSIST // 200 NOT ON SCHED // 10-22.” *[ISP Communications Radio Log]*

Trooper Brown investigated the accident. Sgt. Stone and Trooper Williams assisted, along with Dep. Hansen. *[Investigating Officers Report of Motor Vehicle Accident, Law Enforcement Case Number SP2111471741; Memorandum, Sgt. Stone to Lieutenant Randy Jones, 1-15-04; Brown Interview 7-13-04]*

In traffic accident fatality cases, the lead law enforcement agency and the County Medical Examiner conduct two separate investigations. Law enforcement investigates to determine accident causation and responsibility. The County

Medical Examiner investigates to determine how a person died. *[Trooper Brown Interview 7-13-04]*

11:56 am

When Dr. Mallory arrived at the scene, the first responders were attending to the survivors, so he went directly to each of the three, presumed dead bodies. According to his records, Dr. Mallory pronounced the body of John Doe #1, later identified as Ross Holland, dead at the scene at 11:56 am. *[Dr. Mallory Interview 6-24-04; -----]*

Dr. Mallory did not know any of the deceased. Each had a billfold with personal identification, including a driver's license; but because of trauma and dirt on their faces, Dr. Mallory found it too difficult to compare facial features with identification photos. *[Dr. Mallory Interview 6-24-04]*

According to Dr. Mallory, it is never appropriate at the scene to wash or clean the face because evidence could be disturbed or destroyed. *[Dr. Mallory Interview 6-24-04]*

John Kraemer, the Director of Forensic Operations for the State Medical Examiner's Office, told the Ombudsman there may be times when the County Medical Examiner may want to clean the face of blood and dirt in order to make an identification. According to Kraemer, the County Medical Examiner has the discretion. Kraemer cautioned about the need to protect and preserve evidence, but he said cleaning for identification may, at times, be appropriate, at the scene, so long as the cleaning is documented. "I think it is, as long as they document what they did. Most certainly. Not in every case. It all depends on the severity of injuries and sometimes even with blood on the face and dirt, you can still make a comparison based on facial features, like mustache, beard, what have you, and get an idea of who this individual may be ... As long as we know why it was done and what they did, that's certainly OK." *[Kraemer Interview 1-28-05]*

When questioned again about cleaning a face at the scene, Dr. Mallory told the Ombudsman, "Well, I could have, but that's not really very good investigative technique, and there was trauma involved, and particularly with the deceased in the one that we're speaking of, that you've asked me about." The Ombudsman asked, "*Ross Holland?*" "Right. There was a considerable amount of trauma, blood, and disfigurement. So, it is not a very medical, scientific, or prudent thing to do, to try and straighten things out to match a photograph." *[Dr. Mallory Interview 1-18-05]*

According to the Office of Justice Programs/U.S. Department of Justice, in its November 1999 publication, "Death Investigation: A Guide for the Scene Investigator," the death investigator, or the person or agency responsible for determining the cause and manner of death, should "never clean the face, do not

change condition.” [*Death Investigation: A Guide for the Scene Investigator,*” Section D-1, p. 29, U.S. DOJ, 1999]

The “Guide for the Scene Investigator” is the product of a study that began in June 1996, involving numerous individuals and government agencies responsible for conducting or supervising death investigations. The purpose of the study was to “identify, delineate, and assemble a set of investigative tasks that should and could be performed at every death scene.” According to former U.S. Attorney General Janet Reno, “Jurisdictions will want to carefully consider these guidelines and their applicability to local agencies and circumstances. By adhering to agreed-upon national standards, death investigators can arrive at the truth about a suspicious death.” [*Death Investigation: A Guide for the Scene Investigator,*” “Introduction” and “Message from the Attorney General,” U.S. DOJ, 1999]

With the help of law enforcement, Dr. Mallory tried to piece together where the deceased came from. The plates on their motorcycles and drivers’ licenses indicated they were probably from Boone and Story Counties. [*Dr. Mallory Interview 6-24-04*]

Dep. Hansen did not know any of the deceased and doubts whether any of the officers at the scene knew the deceased. “I don’t know if they did. I doubt it, just because the deceased were, I believe, from Story County or Boone County. I don’t know if they did or not.” [*Dep. Hansen Interview 7-22-04*]

Dr. Mallory completed the two-page “Preliminary Report of Investigation by Medical Examiner (ME-1)” for “John Doe Body #1” at the scene, and then sent the Report, along with the body and personal effects, to the morgue at the Broadlawns Medical Center in Des Moines. [*Dr. Mallory Interview 6-24-04*]

Personal effects included “a key, 52 cents in coins and black wallet containing \$256 paper money, a MasterCard, a VISA card, a pilot’s license and various cards, papers and receipts.” [*Report of Autopsy, Case No. 02SME125*]

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The Iowa Driver’s License issued to Ross Holland on August 13, 1998 includes a photograph of his face, along with other physical identifiers. DOB is given as July 3, 1944; height as 6 feet, weight as 190 lbs., and eyes as hazel. [*Iowa Driver License, Ross Dean Holland*]

Mike Hensch, the supervisor of investigators in the Johnson County Medical Examiner’s Office and a former ISP Trooper, told the Ombudsman in most cases

identifying the deceased at the scene is not that difficult. “Typically, it’s pretty darn easy. A male, there’s a wallet in his pocket. A female, there’s a purse somewhere ... Occasionally, if you’ve got multiple victims, particularly if they’re female, purses are strewn all over the place. Now, it’s become much more difficult, because people in death with injuries look a lot different than they do in their driver’s license photos.” *[Hensch Interview 7-29-04]*

12:00 pm Wayne Wierson called Pauline Sampson. He said, “I’m sorry, I’m sorry, Pauline. They’re all gone.” She responded, “No, Wayne, I’ve called the hospitals and some have survived.” Before Wierson’s second call, Sampson had called the hospitals in Iowa City and Cedar Rapids. She was told some people had been life-flighted and others had been transported by ambulance. “So, at that point, I still thought Doug was alive.” Sampson told the Ombudsman, “I figured he was injured, because that’s what you hope for.” *[Sampson Interview 2-8-05]*

12:09 pm Tama Co. Sheriff’s Office Dispatcher Zach Zeutenhorst called Hand’s Funeral Home, while fellow Dispatcher Ian Mallory, Dr. Mallory’s son, called the Hrabak Funeral Home. *[Call Summary Report, Call 02005489]*

In Tama County and in a number of other counties, “[T]here is no such thing as a morgue, per se; so, generally, they [the bodies] go to a funeral home, and generally that’s just wherever he [County Medical Examiner] wants them to go to.” *[Trooper Brown Interview 7-13-04]*

Dr. Mallory told the Ombudsman there would be no reason to send the bodies anywhere but Des Moines for autopsy. Tama-Toledo has no morgue capabilities; and it would be inappropriate to transport the bodies to funeral homes without determining their identity and contacting their families. *[Dr. Mallory Interview 6-24-04]*

The County Medical Examiner is required to perform or order autopsies in certain cases, such as when homicide is suspected or the body is unidentified. *[DPH rule 641-127.3(1)]* In other cases, such as when death is caused by a motor vehicle accident involving more than one vehicle with a potential for litigation, autopsies are recommended. *[DPH rule 127.3(2)]*

When Dr. Mallory determines an autopsy is needed he calls the State Medical Examiner’s Office. He usually calls from the accident scene, and asks permission to send the body to Des Moines, to the morgue at the Broadlawns Medical Center, where the State or Deputy State Medical Examiner conducts the autopsy. *[Dr. Mallory Interview 6-24-04]*

12:14 pm Sgt. Stone reported “On Duty.” *[ISP Communications Radio Log]*

12:19 pm Tama Co. Sheriff's Office logged: "CALLED GENES AND YOUNGMANS TO TOW THE MOTOR CYCLES PER WS CALL 2 FLAT BEDS." [Call Summary Report, Call 02005489]

12:40 pm Melissa Leigh, Doug and Pauline Sampson's daughter, called ISP and requested information about her father. State Radio reported: "LOOKING FOR MY FATHER DOUG SAMPSON FROM MOTORCYCLE ACCIDENT IN TAMA CO. – THEY TOLD ME HE WAS TAKEN BY HELICOPTER BUT DON'T KNOW WHERE // ST. LUKES – DON'T HAVE SAMPSON, HAVE OLSON // U OF I – HAVE RICH VAUBEL // WILL CK FURTHER AN (sic) CALL YOU BACK MELISSA SAMPSON LEE (sic) 515----- OR 515-----." [ISP Communications Radio Log; Sampson Interview 2-8-05]

By Noon, Jane Wierson and Melissa Leigh were at Pauline and Douglas Sampson's home. Leigh was there on lunch break. Jane called Sampson's son, Kyle Sampson, at his workplace in Ames, and asked him to come home. Sampson told the Ombudsman after her son arrived, he went to the backyard and started making calls using his cell phone, 515-----. Other people were making calls for her, too. She or Leigh called ISP; they acknowledged the accident, "but they couldn't release any information." After calling ISP, she called her brother-in-law, who went to the Ames Police Station and talked with an officer there. The officer said he heard about the accident but could not get any information either. [Sampson Interview 2-8-05]

12:51 pm State Radio reported: "ERIN PICKERING NEED TO CHECK ON ARLEN PICKERING 515-----." [ISP Communications Radio Log]

12:52 pm State Radio reported: "X-391 [Former ISP Trooper] CKING ON ARLEN PICKERING FROM 10-50 // DON'T KNOW YET // JAMES OLSON // ST LUKES AS FAR AS WE KNOW RICH VAUBLE TO U OF I." [ISP Communications Radio Log]

1:08 pm Tama Co. Sheriff's Office logged: "ISP IS INVESTIGATING 3 FATAL AND 3 CRITICAL NO INFORMATION IS TO BE RELEASED AT ANY TIME BODIES WILL BE AUTOPSIED AND NEED TO BE IDENTIFIED BEFORE ANY DEATH NOTIFICATIONS CAN BE MADE." [Call Summary Report, Call 02005489]

The Ombudsman asked Dr. Mallory, "Is this from you?" Dr. Mallory answered, "Probably." "Something you told Ian [the Dispatcher]?" "Well, it's protocol. I don't remember specifically telling the dispatcher that, unless it was through one of the deputies. But that's not unusual." "What did you mean by this?" "What did I mean by it?" "Yes." "Well, that's as I explained to you before. We're not going to look at the remains and take the ID on the remains and then release the information to the highway patrol or the Sheriff's Office, or to the press, to notify the next of kin, or if it's close at hand that I would go personally and try to notify

the next of kin, until we have a positive ID on the remains, on the deceased." "You're saying in order to get a positive ID in this case, there needed to be an autopsy?" "That's correct." [Dr. Mallory Interview 1-18-05]

Need for Autopsy/Release of Information

Dr. Mallory told the Ombudsman there are times when he must defer to the State Medical Examiner's Office, such as when fingerprinting or dental records are needed to determine identity. In those instances, no information is available to the family regarding the deceased until the State Medical Examiner's Office has completed the autopsy and shared its preliminary findings with him or law enforcement. [Dr. Mallory Interview 6-24-04]

When the bodies were placed in the hearses for transport to Des Moines, Dr. Mallory told the Ombudsman he did not believe he had sufficient identification information in order to do death notifications. [Dr. Mallory Interview 6-24-04]

The Ombudsman asked Dr. Mallory, "In this case, was it possible to identify the bodies in any other way before the autopsy?" Dr. Mallory answered, "Well, you're asking me for a conclusion. Perhaps, because of State law and Medical Examiner protocol, I could have, perhaps, put off the autopsy, retained the body at a funeral home, taken the identification off the body and notify the next of kin and said, 'Come and ID it personally,' except in this case, there's a considerable amount of trauma to the facial features and I'm not sure that would be appropriate. I don't think there is any other way rather than having the autopsy establish the identity and the cause of death." [Dr. Mallory Interview 1-18-05]

According to Dr. Mallory, the State Medical Examiner's Office sends its preliminary findings to him, usually by fax, and usually within a day or two of the autopsy. The State Medical Examiner's Office also notifies law enforcement, usually ISP; and then ISP notifies the County Sheriff's Office, and "next of kin usually finds out through those efforts." [Dr. Mallory Interview 6-24-04]

If an autopsy is needed to determine the identity of the deceased, Dep. Hansen "guesses" the medical examiner responsible for the autopsy would notify or report the identity to the investigating law enforcement agency; and the agency would then handle the death notification. [Dep. Hansen Interview 7-22-04]

Deputy State Medical Examiner Dr. Dennis Klein told the Ombudsman his office does not normally share its "Preliminary Findings" with anyone other than the County Medical Examiner, unless specifically requested. Sometimes, law enforcement will ask, "When you're done with the autopsy, can you give us a call? And they'll often give cell phones or pager numbers; and we'll call in those instances." [Dr. Klein Interview 7-7-04]

The Ombudsman asked Dr. Mallory, *“Dr. Klein began the autopsy on Holland's body at 10:30 am on Sunday, June 23, 2002. According to Dr. Klein, he did not view or examine the three bodies until then. If you had known Dr. Klein wasn't going to begin the autopsy until then, would you have done anything differently regarding identification or death notification?”* Dr. Mallory answered, *“Well, um, no, because if I don't have the autopsy to make a positive ID, I have to wait for the autopsy.” [Dr. Mallory Interview 1-18-05]*

Responsibility for Death Notification, in general

Dr. Mallory told the Ombudsman, as the County Medical Examiner, he decides who will notify next of kin. Sometimes, he notifies, if there is a positive identification at the scene and if the deceased is from the community and is well-known to him, he takes it upon himself to personally notify next of kin. But most times, he asks law enforcement. *[Dr. Mallory Interview 6-24-04]*

In a follow-up interview, the Ombudsman asked Dr. Mallory, *“In your prior statement, you stated as a County Medical Examiner, you decide who will notify next of kin, is that right?”* Dr. Mallory answered, *“Well, the State Medical Examiner and the County Medical Examiner, based upon Iowa statute, notify the next of kin when they are assured that they have a positive ID. In the event that I have transferred the remains for an autopsy to the State Medical Examiner, then usually the practice has, since I don't know when they're going to complete their investigation and I don't know when they're going to arrive at a decision of the ID, then normally they contact law enforcement or will notify the next of kin.” [Dr. Mallory Interview 1-18-05]*

Tama County Sheriff Dennis Kucera told the Ombudsman, *“Normally, and in most instances, here in Tama County, the County Medical Examiner will make the notification once we've had a positive identification of who the victim or the deceased was.”* Sheriff Kucera told the Ombudsman he believes Dr. Mallory would prefer to do all the death notifications, even in traffic accident cases where the Sheriff's Office is the primary investigating agency. When asked how the death notification process is working in Tama County, Sheriff Kucera responded, *“Actually, I haven't had any concerns about it. And I guess it just seems like the County Medical Examiner takes the responsibility to make this notification and hence we allow him to. Be it right or wrong, I don't know. But I guess the way it's working, as far as I'm concerned, it's seemed to have been working OK, obviously until this type of issue has come up.” [Sheriff Kucera Interview 1-15-05]*

According to Sgt. Stone, in many cases, the medical examiner will ask law enforcement to make the notification; but in virtually every case, there is an agreement reached at the scene between the investigating officer and the medical

examiner regarding when, how, and by whom notification is accomplished. [*Sgt. Stone Interview 6-16-04*]

Trooper Brown told the Ombudsman most times the County Medical Examiner will handle death notification. “Generally, usually, you talk to the medical examiner ... and generally, they’ll take care of it, they’ll say we’ll notify next of kin. Sometimes they’ll tell you they can’t; and if they can’t or if they don’t want to, we’ll either, I mean, I’ve done it myself, made notification to the next of kin myself on accidents. We’ve contacted other agencies and had other agencies, either a county sheriff’s or a city police department, have them go and they’ll make notification of the death in the family.” [*Trooper Brown Interview 7-13-04*]

Trooper Brown told the Ombudsman he does not know if County Medical Examiners personally contact next of kin or if they ask a law enforcement agency to make the notification. “All I know, in instances where they’ve said they’d take care of notifying next of kin, that it’s been done and I didn’t have to do it. It’s one of the worst jobs in the world that you could do. I’ve done it. It’s very draining. If it’s taken care of by somebody else, you’re just kind of glad that somebody else took care of it for you.” [*Trooper Brown Interview 7-13-04*]

Death notification was always a “touchy subject” for Dr. Mallory, according to Trooper Brown. Another Trooper told him about a case involving Dr. Mallory when a mistake was made in the death notification process. The right family was notified, but law enforcement and Dr. Mallory had identified the wrong daughter as the one killed in the accident. “Ever since that occurred Dr. Mallory was very, very cautious about notifying anybody of anything until he knew for sure who he was dealing with.” [*Trooper Brown Interview 7-13-04*]

Dep. Hansen told the Ombudsman he believes responsibility for notifying next of kin belongs to the investigating agency because “they have the case, they’re familiar with it, they’re working the investigation, they know what’s going on. And they have all the information on the victims of the accident.” But as far as Dep. Hansen knows, responsibility for death notification is not written down anywhere. “It’s just kind of an unwritten thing that the investigating agency either does the notification or they contact the resident county of the victim.” [*Dep. Hansen Interview 7-22-04*]

In the majority of cases, according to Dr. Klein, law enforcement is responsible for death notifications. “[E]specially in traffic accidents, it’s going to be law enforcement. They were the first to arrive at the scene. They have the resources to actually send an officer to have an in-person notification.” [*Dr. Klein Interview 7-7-04*]

Hensch told the Ombudsman the investigating agency is responsible for death notification “through practice at least.” “I couldn’t tell you statutorily because I’m not sure there is anything. In practice, the investigating agency is

responsible.” And if ISP is the investigating agency, then ISP is responsible. “In my opinion, and typically how I see it done, they’re responsible for doing it, going out and making death notification. Particularly with the State, since they have troopers all over the State. If it’s somebody not locally, they can have a trooper in another part of the State go do it.” *[Hensch Interview 7-29-04]*

In Johnson County, according to Hensch, responsibility for death notification is “usually understood, but still it’s discussed” at the scene. “Because people know that, want to make sure it gets done. And usually the State Patrol, if it’s in the county, usually has to talk with the deputies anyway about, ‘Do you know this person? Do you know where they live? Who’s their family?’ There’s generally always conversation about it.” *[Hensch Interview 7-29-04]*

Hensch told the Ombudsman responsibility for death notification is “very poorly defined,” which results in inconsistent, late, or even “forgotten” notifications. “[Y]ou know what happens if nobody wants to do it. It’s an uncomfortable thing to do. And most people do it very poorly. So, it gets pushed to the back burner. And when something goes to the back burner, it gets forgotten, or it turns into somebody’s not sure who’s done it, or if it’s been done, or is the Sheriff’s Office going to do that. It’s very poorly defined, the responsibility for death notification.” *[Hensch Interview 7-29-04]*

The Ombudsman found no provision in Iowa law or State agency rules addressing death notification. When the Ombudsman met with Jeff Ritzman (Assistant Chief, Professional Standards Bureau, Iowa Department of Public Safety (DPS)), Kevin Frampton (Chief, Professional Standards Bureau, DPS), and Jeff Peterzalek (Iowa Assistant Attorney General) on May 20, 2004, the Ombudsman asked if any of them were aware of any law or rule or DPS/ISP policy that addressed death notification. Answering for the group, Ritzman said, “No.” *[Group (Ritzman, Frampton, and Peterzalek) Interview 5-20-04]*

In DPS’ “Basic Academy” lesson materials for “Accident Investigation” and “Death Notification,” there are several provisions referencing “identification of persons involved” and “notification of family members.” Question 1 in “Some Basic Questions” reads: “Establish who the drivers are.” In DOT’s 2001 “Investigating Officers Accident Reporting Guide,” in order to complete DOT’s “Investigating Officers Accident Report,” the investigating officer is directed to: “Clearly enter the Driver’s Name” in the “Driver” section. Section V-6 of the “Lesson Outline” for “Accident Investigation” reads: “Make notifications if necessary.” The first item listed in Stage 5 “When Work at the Scene is Finished” of “Stages of Planning At-Scene Investigation” reads: “Notify relatives of dead or injured and owner of vehicle.” *[DPS/ISP Training Materials]*

The booklet, “In Person, In Time: Recommended Procedures for Death Notification,” published by Crime Victim Assistance Division/Iowa Department

of Justice in 1992 and reprinted in 1999, is included in the DPS/ISP training materials. Iowa Attorney General Tom Miller's "Introduction" reads, in part:

Death notification is acknowledged to be one of the most difficult tasks faced by law enforcement officers and other professionals; because learning of the death of a loved one often is the most traumatic event in a person's life.

... Some survivors hear the news first through the media or a reporter calling, and then have flashbacks to that moment for years. Others tell how they were stunned to hear the person who was killed referred to as "the body" only minutes after the death.

... Notification is an exceedingly important duty. Besides being sensitive, notifiers have to be prepared in case a survivor goes into shock and requires emergency medical treatment.

Notifiers also can provide very important information to survivors, including details about how death occurred. They can volunteer to notify others and provide other invaluable support.

The principles described here are simple: Notification should be done in person, in time, in pairs whenever possible, in plain language, and with compassion

The section in the booklet titled, "In Time' – and with certainty," reads:

Provide notification as soon as possible – but be absolutely sure, first, that there is positive identification of the victim. Notify next of kin and others who live in the same household, including roommates and unmarried partners.

Too many survivors are devastated by learning of the death of a loved one from the media. Mistaken death notifications also have caused enormous trauma.

Before the notification, move quickly to gather information.

Be sure of the victim's identity. Determine the deceased person's next of kin and gather critical information – obtain as much detail as possible about the circumstances of the death, about health considerations concerning the survivors to be notified, and whether other people are likely to be present at the notification.

[“In Person, In Time: Recommended Procedures for Death Notification,” Crime Victim Assistance Division/Iowa Department of Justice, 1999]

According to the report, “Death Investigation: A Guide for the Scene Investigator,” the ultimate responsibility for death notification should lie with the death investigator, the person or agency responsible for determining the cause and manner of death. And, according to the report, the notification should be documented, and so should all failed attempts at notification. Section D-7 “Determine Notification Procedures,” reads:

Principle: Every reasonable effort should be made to notify the next of kin as soon as possible. Notification of next of kin initiates closure for the family, disposition of remains, and facilitates the collection of additional information relative to the case.

Authorization: Medical Examiner/Coroner Official Office Policy Manual; State or Federal Statutory Authority.

Policy: The investigator shall ensure that next of kin is notified of the death and that all failed and successful attempts at notification are documented.

Procedure: When determining notification procedures, the investigator should:

- A. Identify next of kin (determine who will perform task).
- B. Locate next of kin (determine who will perform task).
- C. Notify next of kin (assign person(s) to perform task) and record time of notification, or, if delegated to another agency, gain confirmation when notification is made.
- D. Notify concerned agencies of status of the notification.

Summary: The investigator is responsible for ensuring that the next of kin is identified, located, and notified in a timely manner. The time and method of notification should be documented. Failure to locate next of kin and efforts to do so should be a matter of record. This ensures that every reasonable effort has been made to contact the family.

[“Death Investigation: A Guide for the Scene Investigator,” U.S. DOJ, 1999]

Sara Sanders, Professor in the School of Social Work at the University of Iowa and former Death Investigator for the Johnson County Medical Examiner’s Office, told the Ombudsman in her experience law enforcement assumed the leadership role in the death notification process. “On rare occasions, the Death Investigator would assume this role; however, due to other responsibilities of the

Death Investigator, including collecting evidence at the scene and transporting the body, it is often impossible for the ME [Medical Examiner] office to be involved in the death notification process. For our office, the Death Investigator at the scene typically discusses the death notification process with the police to ensure that it occurs and that the family has a contact name from the ME office should they have questions for the investigator on call.” *[Sanders Interview 8-30-05]*

Professor Sanders also told the Ombudsman she strongly believes responsibility for death notification, as well as each notification attempt, ought to be documented. “This is the only way that it can be guaranteed that it occurred. It should be documented by not only the ME office, but also the police. The documentation process should consist of all contacts that were made to do the death notification, as well as who did it, when it occurred, and who (meaning the family) received the notification.” *[Sanders Interview 8-30-05]*

Need for Authorization

According to Sgt. Stone, next of kin is notified after the body has been identified and after the medical examiner has authorized notification. In his thirty (30) years of service at ISP, Sgt. Stone told the Ombudsman he knows of no trooper ever notifying family members in death cases before receiving the medical examiner’s verbal authorization. *[Sgt. Stone Interview 6-16-04]*

Assistant Professional Standards Bureau Chief Ritzman told the Ombudsman it was standard practice, without exception, for the trooper to wait for authorization by the medical examiner before conducting a death notification. When asked why, Ritzman said the identity of the victim is sometimes problematic; and the trooper does not want to make a mistake in notification. *[Group (Ritzman, Frampton, and Peterzalek) Interview 5-20-04]*

Trooper Brown told the Ombudsman law enforcement and the County Medical Examiners work together in deciding whether and when they have sufficient information regarding the identity of the deceased. “It’s kind of, I don’t want to say a group effort, but I guess, between me and, if the medical examiner is there, if there’s other officers there, we talk about it together. It’s kind of talking back and forth, and rationalizing it between two or three different minds. It makes you, it’s not necessarily one specific person who says, ‘OK, that’s the magic line there, we made it and that’s the deal. You’ve got to use a little common sense and be a little analytical about it, I guess. And just make sure what you’re doing is right.” *[Trooper Brown Interview 7-13-04]*

Trooper Brown also told the Ombudsman, “I don’t know if you necessarily need his or her [the County Medical Examiner’s] approval. But I guess ... if it was up to me to do the notification or if I was supposed to make arrangements, I think generally that was one of the things that I would say to the medical examiner

before he left, 'Is it OK for us to release or notify next of kin?' Just in case ... to run it by him, to at least give him the opportunity if there was some reason he didn't want it ... Maybe it was just my own little personal procedure I had. I would generally ask the medical examiner, 'Any reason that we can't notify next of kin?' Most of the time they said no. I don't think I ever came up with one that said, 'No, wait for another two or three hours till I do this or that' ... unless it was an identity question. And usually they weren't telling us to do notification anyway cause they were still trying to identify the body. And I think that is part of their responsibility to make sure the body is identified. But if they were doing that they weren't generally saying anything to us about notification anyway." [Trooper Brown Interview 7-13-04]

Dr. Klein told the Ombudsman law enforcement does not need permission from his office in order to do death notifications. His office may assist law enforcement in the identification process, but it is not up to his office to give law enforcement permission to notify next of kin. If law enforcement determines they need his office to first identify the body before they do notification, then law enforcement needs to contact his office and request that information. [Dr. Klein Interview 7-7-04]

When asked if law enforcement needs approval or permission from the State Medical Examiner or the County Medical Examiner before doing the death notification, State Forensic Operations Director Kraemer told the Ombudsman, "No, no they do not." According to Kraemer, "If there is any uncertainty as far as the identity of the individual, they will wait until we make the final determination. But if they have an idea and they feel very strongly that the person is who this person is supposed to be, they will go ahead and initiate the notification." [Kraemer Interview 1-28-05]

As far as Hensch knows, there is no policy that requires Troopers to wait for approval from the County or State Medical Examiner before doing the death notification. "Not to my knowledge. I'm not telling you there isn't, but not to my knowledge. The danger of that kind of policy is, say if the person got killed on a Friday night and they've already got six autopsies lined up the next day in Des Moines, that Saturday. It may not be until Sunday till they come up with what they decide as a positive ID, which, of course, they're not going to be able to do hardly anyway because none of the people doing the autopsy have ever seen this person before, so they're never going to be able to ID them. They can just come up and say, give you some physical characteristics. It's almost always going to be a family member who's going to supply the information." [Hensch Interview 7-29-04]

Pre-Notification Notification?

According to Dr. Klein, most autopsies are done to determine the cause and manner of death. Some are done in order to identify the body. In the overwhelming majority of cases, the body is identified at the scene by family members, friends, or associates. But in some cases, other measures are necessary. The pathologist may need to clean the body or close the wounds so facial features become recognizable. The pathologist may also need to contact law enforcement or suspected family members in order to obtain more specific identification information, such as location and description of tattoos or other unique body features, as well as dental, medical, and fingerprint records. [Dr. Klein Interview 7-7-04]

The State Medical Examiner's Office publishes/distributes "Guidelines for County Medical Examiners." The "Identification" section describes the various methods for identifying bodies. Visual is the "most common," but has the "greatest potential for error" and "[e]ven close family members can make errors in identifying a deceased body." Fingerprint is "an excellent method, however, the person must have a fingerprint record on file." Dental requires "post-mortem dental x-rays, records and charts." According to the Guidelines, "As soon as it is suspected that dental identification may be required, a search for pre-mortem dental records should begin." County Medical Examiners are instructed, "If the body is being transported for autopsy to the State Medical Examiner's Office, please forward all pre-mortem dental x-rays, records, and charts as soon as possible." ["Guidelines for County Medical Examiners," State Medical Examiner's Office]

Dr. Klein told the Ombudsman when a body is sent to his office for autopsy to determine identity, his office is not going to be able to do anything until they do the autopsy and "sometimes that requires acquiring information because in order to make identification you need information about that person, and you compare that to what you see on the body." According to Dr. Klein, "If the identity is held in question, they [law enforcement] probably should check with the medical examiner and say, 'Is it OK to at least talk with the family, we think this is who it is,' because they probably should be notified at that point so you can get the ball rolling in acquiring that information." [Dr. Klein Interview 7-7-04]

If the body cannot be identified at the scene, if more information or an autopsy is needed to positively identify the deceased, then death notification cannot technically be done, according to Hensch. But if the investigating officer has a "strong suspicion" or a "reasonable belief" regarding identity, then he or she should consult the medical examiner and then contact the family as soon as possible. The family needs to be contacted for two reasons: (1) to alert them that an accident occurred that may have involved their loved one and (2) to begin the process of gathering additional identification information. "Now, it seems to me very reasonable for those two to talk about it and then go out and talk to the

family, very reasonable. And, as a matter of fact, this is my opinion, it'd be negligent not to. Because you got family out there who's going to find out through the media there is an accident and they're going to have a family member who hasn't shown up and that's a cruel thing to do to somebody, my opinion only." *[Hensch Interview 7-29-04]*

Hensch told the Ombudsman, "I would think it would be a very insufficient investigation if somebody didn't go the family and say, 'Does your son still own a red Firebird?' Because he could have sold it. All the time, the registrations haven't caught up with the property exchanges yet; and so, he may not even own that car any more, but then he might. 'What was your son wearing?' 'Was he wearing a red flannel shirt and blue jeans?' And they say, 'Oh no, he's going to play basketball.' It would be an insufficient investigation to not talk to the family. Because you need that information to identify that body. They need to tell you what was the person wearing before they left, what was the car they were driving, would they be in this area ... Because I'm not sure how you would identify the victim without talking to the family. Because the State, all they can tell you is, 'This is 5' 10" male, probably had brown hair and a green eye.' But they don't know the person, so they could never say who this is. They can only say, 'What the family tells us matches what we have here.' So you got to talk to the family." *[Hensch Interview 7-29-04]*

After interviewing Hensch, the Ombudsman asked Ritzman, "Should DPS/ISP policy address when Troopers contact suspected, surviving family members to alert them of an accident that may have claimed the life of their loved one and to collect additional identification information?" Ritzman answered: "Recklessly contacting family members with the assertion that, 'We think your loved one is dead, but we're not really quite sure' creates many more problems than it solves. The State Patrol strives to provide excellent courtesy, service and protection to the citizens of the State of Iowa. This service does not include subjecting a family member to investigative conjecture about whether a love one is alive or dead. Again, if there is an issue of identification of a decedent, that matter should be resolved by the person who is in legal custody of the decedent's body. This could be a subject for discussion with the Department of Public Health regarding DPH Administrative Rule 641, concerning medical examiners' duties." *[Letter from Ritzman to the Ombudsman, 12-7-04]*

State Forensic Operations Director Kraemer told the Ombudsman death notification should never be done on a hunch or a suspicion. "It is actually best to wait until identity is established." Not waiting, and then notifying the wrong next of kin is "not only emotionally, but also, I think, ethically troublesome." According to Kraemer, "You do not want to notify the wrong next of kin. That is almost a standard of care issue." *[Kraemer Interview 1-28-05]*

But there are times, according to Kraemer, when his office will call suspected family members prior to the actual or official death notification. His office makes

those calls in order to gather additional identification information, necessary to positively identify the deceased. Those calls, according to Kraemer, are rarely “cold” calls. Usually law enforcement has already contacted suspected family members for one reason or another. Kraemer told the Ombudsman he believes calls by law enforcement to suspected family members to collect more information regarding identity are appropriate. “Family members may know where this person may be, where they were heading, what they were last wearing. So, I think that that would be appropriate, depending on the circumstances. It has to be a very tactfully put call.” *[Kraemer Interview 1-28-05]*

Kraemer told the Ombudsman, “I think if we have a fatality from a motor vehicle accident and we have an idea or a suspicion of who the individual may be, the best approach is to chase down the lead and try to locate next of kin. And if we have contact information for next of kin, ideally the best method is to do a notification or to gather some preliminary information in a personal manner. That means maybe calling or driving or having assistance of a potential chaplain or another person go to the individual’s home, whether it be decedent’s home or parent’s home and talk to the wife or an adult in person and explain what has happened and what the next steps may be. And be very honest, you know, we’re not sure, we have a very high suspicion that the decedent is your husband but we still need to confirm that through an autopsy.” *[Kraemer Interview 1-28-05]*

The Ombudsman asked Dr. Mallory, “*Had you known the autopsy wouldn't have been done until 10:30 the following morning, had you known that at the time, would you have contacted the suspected family members to alert them that maybe their loved ones ...?*” Dr. Mallory interrupted, “No, I think that's inappropriate. Any more than I would have a list of possible people during the investigation we contact everybody and say, 'I think maybe your loved one is dead, but I'm not sure. No, I don't think that's appropriate. I did not know that that was the time the autopsy was scheduled, and even if I would have, I wouldn't have tried to read between the lines and tell somebody that they're missing a loved one.’” “*My question was ‘to alert them and/or collect any other identification information?’*” “Well, I think it's inappropriate, yes, to tell someone that we think maybe that their loved one is deceased, but we're working on it. Where do you stop? You know, if you have more than one possibility and there are situations where there are people that the ID is questionable and there may be other people present. I think that's inappropriate, yes.” *[Dr. Mallory Interview 1-18-05]*

When questioned about Dr. Mallory’s position that no information should be released regarding a fatality until positive identification has been made, which may require an autopsy, Sheriff Kucera told the Ombudsman, “The Medical Examiner believes that they’ve got to be, they have to be positive with the identification, before we release this information. And I guess if I have a disagreement, it’s because of the fact that that’s a timely matter, that you’re waiting on, to transport the body, set up the autopsy, do the autopsy, and then try, hopefully, to collect enough information so we do know who that is. That’s my

opinion.” When asked if the body is sent to the State Medical Examiner for autopsy in order to make positive identification and if the State Medical Examiner needs more information, such as dental records and descriptions of clothing and body marks or tattoos, how would the State Medical Examiner get that information, Sheriff Kucera answered, “I don’t know, other than if we were to do it [the death notification] we would start trying. If it was up to me to learn the identities and collect this information, obviously one of the processes would be find out who next of kin would be, let them know what has happened or taken place and also inform them in order to be accurate, this is the information we need to make a positive identification. And, you know, I would believe that if a family member is familiar with where their family went, what they were driving, they would probably assure the officer or the medical examiner that’s who it was. Still, at the same time, I don’t know what the medical examiner’s duties are under the guidelines of the State.” [*Sheriff Kucera Interview 1-15-05*]

Steve Howell, a 30-year veteran with the City of Des Moines Police Department, told the Ombudsman for the past ten years he has served as the Department’s Victim Resource Officer. Whenever there is a death that is caused by unnatural means, such as homicide or traffic accident, he is called to the scene. He is responsible for conducting the death notification. He is also responsible for putting family members in touch with appropriate community resources, i.e. counseling and victim services. [*Howell Interview 8-22-05; “He delivers ‘the worst news,’” Des Moines Register, 6-19-04*]

Officer Howell told the Ombudsman he does not do the death notification until he is 100% sure regarding identity. If not 100% sure, he is going to take the extra time to find out for sure. With assistance from the Polk County Medical Examiner’s Office, he is going to get fingerprints, check for tattoos and surgical scars. He is going to “run the vehicle” to get the owner’s name. He is going to review police and medical records. He is going to interview witnesses, including accident survivors. He may even interview people in the neighborhood where he suspects the decedent lived. And when he runs out of options, as a “last resort,” he will contact suspected family members, to tell them what he knows and to ask for additional identification information. Howell told the Ombudsman he continues to seek information until he is 100% sure. And he does not stop seeking information just because the body is sent to the morgue for autopsy. “No, we want to try, if at all possible, to find out who this person is for sure and get the family notified before the autopsy ever happens.” Howell explained:

- In Polk County, the autopsy may not occur until the next day. And if the accident happened on a Friday or a Saturday, the autopsy may not occur until Monday.
- “We’ll check police records, we’ll check hospital records. We’ll check, and if I’ve got an address, I may even go out to that neighborhood, not directly to that house because we don’t know yet for sure who we have. But ask them if

they know this person. Do some interviews with some people, and see if anybody knows the car, knows the people in the neighborhood. ‘Do you know the people who live down the street in the white house?’ Things like that, to find out more information because it’s kind of a personal thing with me, and I think it is with most officers, I want to get the family notified as soon as possible.”

- There have been times, however, when he has gone to the “white” house and questioned suspected family members. “There have been cases when I’ve went to houses, and I don’t like to do this, but there have been cases when I went to houses and said, ‘Are you Mrs. Doe?’ ‘Yes.’ Does your son drive a red Mustang such and such?’ “Yeah, he does.’ ‘Have you seen John here in the last day or so?’ ‘Yes. He left home a couple of hours ago to get some groceries,’ or whatever. ‘Well, there’s a red Mustang that’s been involved in an accident. We believe it’s your son, but we’re not a 100% sure at this time.’ I just don’t like to put families through that. Either you tell them that a person is deceased or don’t tell them at all. But there’ve been some cases where I needed to, that was my last resort. I had to go to the families to get some more identification.”
- There have also been times when he has taken family members to the morgue before autopsy to identify the deceased. “You have to go to the family and say, ‘We believe it is your husband or your son and can you tell us anything about him, to help us to identify him?’ And we don’t like to use, and this is just in Polk County, we don’t like to take family down to morgue to identify the person because the last way you see somebody in your family dead should be like in a controlled funeral home where they’ve been cleaned up, and they don’t have the blood and glass all over them. And a lot of people have told me over the years the last place they saw their loved one was in the morgue and he had, and that’s the only way they can remember him. They can’t get that out of their head, just more torture for them. So, we try not to. There have been a few occasions when we’ve had to go down there but we try not to use the morgue as a place to identify people.”

[Howell Interview 8-22-05]

Professor Sanders told the Ombudsman, “The medical examiner is responsible for establishing the identity of the decedent. Police provide assistance in identifying the deceased upon the request of the medical examiner.” She also told the Ombudsman, “All steps possible should be taken to identify individuals before any families are notified about a death. If all steps are taken and identification has still not occurred, families should be consulted to provide additional information that may lead to a positive identification.” But, she warned, “[I]t is important that the person who is going to th[ese] suspected families to gather additional information be aware of the state of crisis that may exist within the family system as a result of not knowing the whereabouts of their loved one and having their

loved one potentially dead. The worst situation that could occur is to have the wrong family contacted about a death. This would create unnecessary anguish for the family and poor public relations for the notifying agency.” [Sanders Interview 8-30-05]

Responsibility for Death Notification, in this case

Sgt. Stone questioned Trooper Brown at the scene regarding victim identification and death notification. “I asked Trooper Brown if he had all the information on the victims and injured parties, and he did not at that time. I also asked him who was going to make notification to relatives of the parties, and he advised that he had spoken to the Tama County Medical Examiner and the Medical Examiner would make notification.” [Memorandum, Sgt. Stone to Lieutenant Randy Jones, 1-15-04]

Sgt. Stone told the Ombudsman he understood Dr. Mallory would be notifying next of kin or causing next of kin to be notified. Dr. Mallory would either be making the calls or would be telling someone else to make the calls. [Sgt. Stone Interview 6-16-04]

Dr. Mallory told the Ombudsman he does not remember discussing death notifications with Trooper Brown at the scene, and he does not know why they would discuss death notifications at the scene because they did not know for sure the identities of the deceased. When he left the scene he assumed ISP would either handle the death notifications or would ask the Boone or Story County Sheriff’s Office to handle because “obviously this was going to be out of my territory, out of my county.” When he left the scene, he expected the State Medical Examiner’s Office to report its preliminary findings to him and to ISP. He also assumed a law enforcement officer, probably Trooper Brown or maybe a deputy from the Tama County Sheriff’s Office, would be attending the autopsy. [Dr. Mallory Interview 6-24-04]

Trooper Brown remembers talking to Dr. Mallory at the scene briefly about death notifications. “I just remember talking to him about notification and saying something about if he was going to take care of notification, and he just kind of looked at me and smiled, and he said something about, ‘Well, I ain’t notifying anybody until I know for sure who these people are.’ And that was always his kind of standard line ever since this accident that happened out, you know, that they got the wrong person notified on. And so I just assumed he was saying that once he was comfortable with who it was, that’s when notification would be made. And I assumed that it would be him since he was leaving with the bodies and everything else, anyway so.” [Trooper Brown Interview 7-13-04]

When asked if it were possible Dr. Mallory could have left the scene thinking you were going to do the death notifications, Trooper Brown told the Ombudsman,

“Well, I don’t know. I guess, obviously, it’s possible because apparently he did. Looking back, I don’t think Dr. Mallory wouldn’t have made notification just because he didn’t want to, just because he said, ‘To heck with it.’ Obviously, he was under the impression that I was going to and I was under the impression he was taking care of it.” *[Trooper Brown Interview 7-13-04]*

The Ombudsman asked Dr. Mallory, “*According to Trooper Brown, at the scene he claims he asked you if you were going to take care of the notifications, and you responded, ‘Well, I ain’t notifying anybody until I know for sure who these people are.’ Do you remember Trooper Brown asking you about notifications?*” “Not off-hand, but the quote certainly sounds like something I would have said, yes.” “*If you would have said that, what would you have meant?*” “That statement would indicate that I felt that I was responsible for identifying them and releasing the information, wouldn’t it?” “*Releasing the information to whom?*” “To anyone because if I don’t have the appropriate information I can’t release it.” “*What about doing the actual death notifications?*” “Well, it meant releasing it to anyone, whether it was the actual death notification, whether it was to the press, whether it was to other investigative officers, or, the point was, the question, the way that I took it at the time, and the way I take it now, is he wants to know should we try and release the identity of these people and my advice was no because we don’t know the identity of these people.” *[Dr. Mallory Interview 1-18-05]*

In Trooper Brown’s written investigative report of the accident, he did not identify who was responsible for death notification. He told the Ombudsman he never included such information in any of his accident reports. *[Investigating Officers Report of Motor Vehicle Accident, Law Enforcement Case Number SP2111471741; Brown Interview 7-13-04]*

At the scene, Dep. Hansen talked with no one about death notifications, and he overheard no conversations regarding death notifications. Dep. Hansen told the Ombudsman he has no idea who made the death notifications in this case, but he assumes ISP made sure they were done. *[Dep. Hansen Interview 7-22-04]*

After completing an internal DPS investigation, Assistant Professional Standards Bureau Chief Ritzman responded to Jo Anne Holland’s complaint by sending a letter to her attorney, Kirke C. Quinn. In his letter, Ritzman reported, “[T]his investigation concludes that all members of the State Patrol followed proper training and procedure in the Holland case.” According to Ritzman, ISP made notification as soon as it could, as soon as it received necessary authorization from the County or State Medical Examiner, which was not until late evening. “The Tama County Medical Examiner, with oversight responsibilities for the investigation of Mr. Holland’s death, did not authorize the State Patrol officers assisting with the investigation to make a notification to Mrs. Holland. It was not until late in the evening, after Mr. Holland’s remains were moved to Des Moines and placed under the authority of the State Medical Examiner, that State Patrol

personnel were authorized to make the notification.” *[Letter from Ritzman to Quinn 2-11-04]*

Other Counties

The Ombudsman interviewed Sheriffs in four other Iowa counties. The Ombudsman asked generally about their county’s death notification process. The Ombudsman asked if they were aware of any law or rule regarding the process, or if they had written policy addressing their staff’s notification duties and responsibilities. The Ombudsman also specifically asked how their offices handle death notification when death is caused by a traffic accident. The Sheriffs told the Ombudsman they know of no law or rule, and they have no written policy regarding death notification. The Sheriffs told the Ombudsman the responsibility for notification is determined at the accident scene, but usually law enforcement assumes responsibility, and usually it is the lead or investigating law enforcement agency that assumes that responsibility. The Sheriffs also told the Ombudsman in cases where the identity of the deceased is in doubt, when they have insufficient information in order to do notification, they continue to follow-up on leads in an effort to positively identify the deceased, which may include contacting suspected family members to collect additional identification information. According to these Sheriffs, identifying the deceased is a joint responsibility, something law enforcement shares with the medical examiner.

- 1:23 pm Sgt. Stone requested information regarding two of the motorcyclists taken to St. Luke’s Hospital. State Radio reported: “HAVE EITHER 28 OR 63 GO TO ST LUKES AND GET INFO ON 1 SUBJ BROUGHT IN BY AMB AND 1 BY LIFELINE // WE HAVE THEIR 10-27’S [Driver’s Licenses] // 10-4 10-22.” *[ISP Communications Radio Log]*
- 1:36 pm In response to a communication from someone in the Tama County Sheriff’s Office, State Radio reported: “// BELIEVE WE KNOW WHO MOST OF THEM ARE AND WHERE THEY ARE EXCEPT 2 // MED EXAMINER SAYS IT IS GOING TO TAKE DENTAL RECORDS FOR 2 OF THEM.” *[ISP Communications Radio Log]*
- 2:00 pm Deputy State Medical Examiner Dr. Dennis Klein responded to Dr. Mallory’s page. *[Dr. Klein Interview 7-4-04]*
- Dr. Mallory told Dr. Klein he would be sending three bodies to Broadlawns for autopsies and was not sure “who was who.” *[Dr. Mallory Interview 6-24-04]*
- Dr. Mallory told Dr. Klein there had been a number of motorcycles involved in an accident, at least three killed, and he was going to send the bodies to Broadlawns for autopsy. Dr. Mallory also told Dr. Klein it was very difficult to make physical identifications because of the amount of trauma to facial features. Dr. Klein told

Dr. Mallory to send the ME-1s and any preliminary identification information along with the bodies. *[Dr. Klein Interview 7-7-04]*

On the ME-1, there is a section for identification. The County Medical Examiner may check “positive” or “preliminary.” By checking “preliminary,” according to Dr. Klein, the County Medical Examiner is asking his office to identify the body. If the County Medical Examiner has no idea who the person is, he or she will write “John Doe” at the top of the form. *[Dr. Klein Interview 7-7-04]*

Dr. Klein told the Ombudsman he does not remember if he told Dr. Mallory he would do the autopsies on Sunday or Monday, June 23 or 24. *[Dr. Klein Interview 7-7-04]*

After the body has been transported to the State morgue, a State pathologist must arrange for technical support; he or she will need one or two assistants to help with the autopsy. Because time is needed to transport the body and because the pathologist needs time for planning and coordinating schedules with assistants, the autopsy is usually done the next day. “If a person dies at noon time, it is very, very rare to actually have the autopsy performed that same day.” *[Dr. Klein Interview 7-7-04]*

According to Dr. Mallory, when he makes the call to the State Medical Examiner’s Office or when the on-call Deputy State Medical Examiner returns his call, a law enforcement officer is usually standing right beside him, because law enforcement wants to know when the autopsy will be done. All death scenes are considered crime scenes, and usually one of the officers at the scene attends the autopsy. If no officer is present during the call, within a few minutes of the call, he will tell law enforcement when the State Medical Examiner’s Office expects to do the autopsy. *[Dr. Mallory Interview 6-24-04]*

Dr. Mallory told the Ombudsman he believes Trooper Brown was aware he called the State Medical Examiner’s Office, but does not remember if Brown was standing next to him when he talked with Dr. Klein or if he told Brown he had called the State Medical Examiner’s Office. He believes Brown was aware he sent the bodies to Des Moines for autopsies. He believes he either told Brown, or Brown saw the hearses take the bodies, which can only mean the bodies were transported to Des Moines for autopsy. *[Dr. Mallory Interview 6-24-04]*

Trooper Brown told the Ombudsman he remembers seeing the funeral people taking the bodies from the scene. But he believes the bodies were taken to funeral homes in the area. *[Trooper Brown Interview 7-13-04]*

Trooper Brown had worked “quite a few” death accident cases in Tama County. He believes there were times when Dr. Mallory sent bodies to Des Moines for autopsy, but he does not remember a specific case. And he does not remember if

Dr. Mallory told him in advance or after the fact. “It wasn’t like he was coming to me for permission.” *[Trooper Brown Interview 7-13-04]*

“Most of the time, on a fatal accident, by the time I get done at the scene of a fatal accident, you’re talking a number of hours after probably Dr. Mallory has left.” Trooper Brown told the Ombudsman he may not even talk to Dr. Mallory again for a day or two later. “And that point in time might be the point in time that he advises me, or says, ‘We sent the body to Des Moines to have an autopsy done. Most of the time he wasn’t telling me much of anything at the scene, other than somebody, a funeral home, is coming for the body. But as far as where the body went from there, I usually didn’t find out till afterwards.” *[Trooper Brown Interview 7-13-04]*

Before Dep. Hansen left the scene, he knew the bodies were sent to Des Moines for autopsy. He believes Dr. Mallory told him. He does not know if Dr. Mallory told Trooper Brown. But he assumes Brown knew where the bodies were going. “In my experience, if you have a traffic fatality, they’re going to get autopsied. So, I guess what I’m saying is Kent Brown probably knew they were going down there, but I don’t know if Dr. Mallory told him or he was assuming they were going to get autopsied.” *[Dep. Hansen Interview 7-22-04]*

2:13 pm Tama Co. Sheriff’s Office logged: “PER MALLORY THE FS ARE ON THERE (sic) WAY TO DES MOINES IM 76 BACK TO ME RES.” *[Call Summary Report, Call 02005489]*

Dr. Mallory left the accident scene. *[Sheriff Kucera Interview 1-15-05]*

All three bodies were taken directly from the scene to the Broadlawns morgue. *[Dr. Mallory Interview 6-24-04]*

Hand’s Funeral Homes, Inc. transported the body of Ross Holland to Des Moines. *[Billing Statement, 6-25-02]*

2:16 pm In response to a communication from someone at St. Luke’s Hospital, State Radio reported: “ST LUKES HAVE (sic) NAME OF 3RD FATALITY FOR YOU FROM SUBJECT HERE – SHOULD BE ROSS HOLLAND // TAMA (which means State Radio relayed information to Tama County Sheriff’s Office) //.” *[ISP Communications Radio Log]*

2:30 pm Between 2:30 and 3:00 pm, Kyle Sampson “started to call funeral homes and got a funeral home director that said, ‘I think I took your dad to Broadlawns.’” Pauline Sampson told the Ombudsman her son had given the director a description of his father. “So then we called Broadlawns and no, they didn’t believe they had him there. At that point, one of my daughter’s friends worked at Broadlawns and knew Doug, and said he would watch for him.” Her daughter’s friend, Adam Choat, “knew what Doug looked like.” *[Sampson Interview 2-8-05]*

2:52 pm State Radio reported: "I CALLED EARLIER TRYING TO FIND OUT WHERE DOUG SAMPSON." *[ISP Communications Radio Log]*

3:30 pm According to Sgt. Stone, "Trooper Brown thought he knew who all parties involved were by the time we left the scene at approximately 1530 hours." *[Memorandum, Sgt. Stone to Lieutenant Randy Jones, 1-15-04]*

Sgt. Stone told the Ombudsman by the time he and Trooper Brown left the scene at 3:30 pm he believes they had sufficient identification information in order to make the death notifications, "but we were instructed not to advise anybody per the County Medical Examiner's orders." *[Sgt. Stone Interview 6-16-04]*

But, according to Trooper Brown, by the time he left the scene, his information regarding the identities of the three deceased was "maybe 50-75% accurate." Trooper Brown told the Ombudsman his information came from other officers, not directly from witnesses or surviving victims. "I never talked to anybody and I didn't know what their sources were. How they were coming about with the names. When I got there, when I arrived at the scene, that Wierson guy was gone. Mr. Olson was gone. And just after I got to the scene is when we closed the road down, and they landed the helicopter and took Vauble, they flew him out. And so, I mean, I didn't have a chance really to talk with anybody else in the party there. But these other officers were kind of giving me who these people were supposed to be. I didn't know where their information had come from, and so I didn't know if they were just going by what the registration plates were on the vehicles as to that's who those people were or if they had any other better information than that." *[Trooper Brown Interview 7-13-04]*

At the scene, Trooper Brown did not know for sure where the motorcyclists lived. "Somebody had said they had come from the Ames area, but I didn't know where exactly they were from. I mean, I didn't know where anybody was from until, I don't know, probably the next day is when I went up to the Sheriff's Office and started running registrations and drivers' license numbers to collect information on the people themselves. Pretty much all the other information I think I just collected off the, what I could, off the vehicles and information out there and stuff like that. And that was only pretty much names and the motorcycle types was about all I got out there." *[Trooper Brown Interview 7-13-04]*

Dep. Hansen told the Ombudsman when he left the scene he does not believe law enforcement knew "positively" the identities of the deceased. "Not positively because of the injuries that were sustained by the victims ... It was hard. I couldn't positively identify them by looking at their driver's licenses." *[Dep. Hansen Interview 7-22-04]*

When the Ombudsman asked if he believed he had sufficient identification information in order to do the death notifications, Dep. Hansen responded, "No, I

wouldn't have felt comfortable doing that. I would have wanted an autopsy done with a positive identification ... Because, I guess there's always a possibility that maybe somebody said, 'Hey, my pocket ripped, can you hold my driver's license for me?' And I would just hate to give a death notification to someone when they shouldn't have got one. It's a very traumatic experience for people. And I guess I'd want to be, if it was me, I'd want to be 100% for sure on that death notification on who it was." [Dep. Hansen Interview 7-22-04]

3:38 pm State Radio reported: "HWY 30 OPEN AGAIN." [ISP Communications Radio Log]

4:00 pm Jo Anne Holland returned home from shopping. [Holland Interview 1-11-05]

4:20 pm Holland's body arrived at the Broadlawns Medical Center, and was placed in the morgue. [Dr. Klein Interview 7-7-04]

Adam Choat worked as a Public Safety Officer for Broadlawns Medical Center. He worked the afternoon shift, noon to 8:00 pm. One of his duties was to "organize" the receipt of bodies for the morgue, which means receiving the bodies -- making sure they were placed in the morgue and documenting the date and time of receipt. [Choat Interview 1-12-05]

Choat also worked part-time as an Autopsy Technician for the State Medical Examiner's Office. As an Autopsy Technician, he assisted the pathologist in performing the autopsy. He readied the morgue, prepared the paperwork, assembled the tools or utensils, prepped the body, helped with the cuts, weighed the organs, and cleaned the body. [Choat Interview 1-12-05]

Choat told the Ombudsman he remembers when the three bodies came in to the morgue. He recognized one of them. "When they came in, I recognized one of the deceased. He was a guy I knew from Ames. I went to high school with his daughter ... Doug Sampson was his name." [Choat Interview 1-12-05]

5:20 pm Jo Anne Holland received a call from a friend, who said she heard there had been a motorcycle wreck on Highway 30, but she did not know where; she had no details. Holland told her friend she was not concerned because she thought she would have heard something if her husband had been involved and because she knew there were hundreds of other motorcyclists going to Anamosa that day. Holland told the Ombudsman she had a cell phone and an answering machine on her home phone, but had received no prior calls or messages regarding an accident. [Holland Interview 1-11-05]

"During the late afternoon hours, she [Jo Anne Holland] heard that there had been a tragic motorcycle accident in eastern Iowa." [Letter from Kirke C. Quinn, Attorney for Jo Anne Holland, to Governor Tom Vilsack, Commissioner Kevin W. Techau, and others, 1-2-04; Customer Phone Record, AT&T Direct Dialed Calls]

Sometime before 6:00 pm, Wayne Wierson returned from Cedar Rapids; he had been released from the hospital. Wierson visited Pauline Sampson at her home. "And we talked a bit." Sampson told the Ombudsman. "I do remember at one point he said that Doug had a large abdominal wound." But Wierson did not know where her husband had been taken. *[Sampson Interview 2-8-05]*

6:00 pm Between 6 and 6:15 pm, Jo Anne Holland called the Boone Police Department. They had no information regarding the accident, and they referred her to the Boone County Sheriff's Office. The Sheriff's Office told her to call the Sheriff's Office in the county where the accident occurred. But she did not know where the accident occurred, so she called a television station, trying to get information. They gave her an 800 number for ISP. She called that number, and was given another number to call, 515-281-3561. *[Holland Interview 1-11-05]*

6:00 pm In response to an earlier inquiry by Pauline Sampson's brother-in-law, two Ames police officers stopped by the Sampson home and reported they had no information yet. "At 6:00 I still didn't know," Pauline Sampson told the Ombudsman. "I still firmly believed my husband was alive somewhere. I thought he was alive at Broadlawns Hospital. That's why I was trying to get the information there. I mean, that didn't make sense when I think back now, when it was a funeral home that told me they took him. But, I still, that's what I thought." *[Sampson Interview 2-8-05]*

6:20 pm According to Adam Choat, approximately two hours after the bodies arrived at the morgue, he received a call from a friend of one of the deceased's families. She asked if Broadlawns had received any fatalities from a motorcycle accident. Because he had not received clearance from the State Medical Examiner's Office or law enforcement, he answered, "I can't tell you that right now. You need to contact the County or State Medical Examiner." The caller then told him, "Well, here's the deal. I'm here with the family of one of the deceased and no one has called." Choat told the Ombudsman he assumed Tama County had already notified next of kin. Because notification had apparently not been done and more than a couple of hours had passed since the bodies arrived, he told the caller he would look into it. "OK, I'll see what I can do, and I'll call you back." *[Choat Interview 1-12-05]*

Either Choat or his partner, another Broadlawns' Public Safety Officer, called the Tama County Sheriff's Office, spoke to a male dispatcher, and asked if they were going to notify next of kin. According to Choat, the dispatcher was not very cooperative. "Nope, this is a county case. We're not going to deal with it till Monday." *[Choat Interview 1-12-05]*

The Ombudsman asked Dr. Mallory, "After you left the accident scene, did you get any calls from family members?" Dr. Mallory answered, "I honestly can't remember. I don't know. I got calls from news agencies, and that's not

uncommon.” “*What information were you able to share?*” “That there was an accident, but I wouldn't release any names.” “*Do you remember having a conversation with either dispatcher regarding how to handle calls if they did come in from family members?*” “Not directly, but that would have been through protocol with Tama County and the dispatchers, which is, the dispatcher isn't supposed to release information unless he has a press statement either by the Sheriff's Office or, in this case, of the death under the medical examiner's jurisdiction. If they have a prepared statement, they can release it. Otherwise, no. But no, I do not remember specifically telling them directly.” [Dr. Mallory Interview 1-18-05]

After he or his partner called the Tama County Sheriff's Office, Choat told the Ombudsman he called Dr. Klein and reported, “Here's the situation ... these people came in here ... next of kin is calling, they're wanting to know if they're here. Tama County isn't releasing any information. What should we do?” Choat told the Ombudsman he told Dr. Klein he knew one of the deceased, and all three had driver's licenses. “‘I do know one of these guys,’ and he said, ‘OK, why don't you, what do you suggest?’ I said, ‘If I could get somebody to identify them, could we at least get next of kin notified?’ I said, ‘The driver's licenses are with each victim. But something needs to be done. These family members are going to see this on the news far before they find out.’ He said, ‘OK, the guy from Ames you know. If you can identify him, why don't you go ahead and see what you can do about, let's get his family, at least, get his family notified.’” [Choat Interview 1-12-05]

Choat told the Ombudsman he then received a call from Ames Police Officer Todd Gohlman, who was inquiring on behalf of the Sampson family. Gohlman “thought that maybe if law enforcement had notified us, we could say something.” Choat told Gohlman, ‘I'm still working on it ... they are here, but I can't tell the family that.’” Choat asked Gohlman for advice. “I asked him, ‘If I passed on the information to him, could him and one of his officers or a captain, like a supervisor, go notify the Sampson family.’ He said he'd talk to the captain, and he did. And the captain said, ‘No can do. We're not going to do that.’ I told him, ‘OK.’ I said, ‘Go talk to Capt. [Mike] Brennan again. If you guys will at least show up to the house, have a marked unit go to the house, I'll make the notification myself via phone. And the captain agreed with that. And I called the State Medical Examiner's back, and I OK'd that with Dr. Klein.’” [Choat Interview 1-12-05]

7:35 pm

State Radio reported: “JO HOLLAND CKING ACC ON HWY 30.” [ISP Communications Radio Log]

Jo Anne Holland called ISP Headquarters, 515-281-3561. ISP told Holland they were unaware of her husband being involved in any accident, but someone would be calling her back. [Letter from Kirke C. Quinn, Attorney for Jo Anne Holland,

to Governor Tom Vilsack, Commissioner Kevin W. Techau, and others, 1-2-04; Customer Phone Record, AT&T Direct Dialed Calls]

Holland told the Ombudsman, “Every single one of these calls to the Iowa State Highway Patrol had basically the same conversation. I identified myself. ‘I’m trying to find out if my husband was involved in the accident.’ And each time I was told to give them my phone number and someone would call me back. And, actually, you are the first person from the State that has ever called me, ever, to this date. Ever.” *[Holland Interview 1-11-05]*

7:39 pm

State Radio reported: “JO HOLLAND 515-432-8714 WHAT IS STATUS WHERE PEOPLE TAKEN // WILL HAVE SGT CALL YOU // OK.” *[ISP Communications Radio Log]*

State Radio called Sgt. Stone, and asked him to return Holland’s call. State Radio reported: “// 10-21 JO HOLLAND // 10-4.” *[ISP Communications Radio Log]*

Sgt. Stone called Holland, told her he “did not know the names for sure and would have to call her back.” *[Memorandum, Sgt. Stone to Lieutenant Randy Jones, 1-15-04]*

Sgt. Stone called Trooper Brown at his residence “to get the names and to visit more about the accident, but he was not at home.” There was, “No answer.” *[Memorandum, Sgt. Stone to Lieutenant Randy Jones, 1-15-04]*

Sgt. Stone then called Tama County Dispatch, and was told “the [County] Medical Examiner had told them that absolutely no information was to be put out on this to anyone at any time until the bodies were autopsied and positive identification had been made.” *[Memorandum, Sgt. Stone to Lieutenant Randy Jones, 1-15-04]*

Trooper Brown told the Ombudsman he left the scene around 5 or 6 pm. He drove back to his residence in Tama, and returned phone calls for the next 1 ½ hours. He remembers returning one call to the family of one of the surviving victims. He also remembers getting a call from Sgt. Stone around 7 pm. “That’s when he told me that this Mrs. Holland had found out about this accident, that she hadn’t been notified about anything, and that she was upset naturally and wanting to know what was going on and stuff. He had a phone number for me, and gave me the phone number and told me to call them. So I called them right away.” *[Trooper Brown Interview 7-13-04]*

According to Trooper Brown, he spoke to a young male, who may have been Ross Holland’s son. They talked briefly about what had happened. He said he had heard that his dad, or Ross Holland, had died in a motorcycle accident that day. “I said, ‘Yeah, I hate to inform you of it over the phone, but I said, yeah. I told him there had been an accident on Highway 30 and that Ross had been fatally

injured.’ He asked me, ‘Can you tell me how it happened?’ And so I kind of gave him a rundown on the way the accident occurred. I said this van was going west-bound on Highway 30 and the road has an offset and curves off to the van’s right. I said it looks to me like the van just kept going straight forward and didn’t make the curve and it ran into the group of motorcycles that your dad was a part of, and collided with a quite a few of them.” [Trooper Brown Interview 7-13-04]

Jo Anne Holland has two adult sons, Jesse and Jeffrey. When the accident occurred, Jesse was attending classes at Lakeside Lab in Okoboji, Iowa; and Jeffrey was living in Denver, Colorado. [Holland Interview 1-11-05]

7:58 pm Sgt. Stone asked State Radio to call Dr. Mallory at Hrabak Funeral Home in Belle Plaine “to check on the progress, as we were still having phone calls from family members.” [Memorandum, Sgt. Stone to Lieutenant Randy Jones, 1-15-04]

State Radio reported: “TO HRABAK FUNERAL HOME IN BELLE PLAIN (sic) // HOW MANY OF THE F [fatalities] DID HAVE THERE, ARE THEY STILL THERE, AND WERE YOU TOLD TO TAKE THEM TO DM // HAD MR PICKERING HERE, THE DM STATE MEDICAL EXM ASKED US TO TRANSPORT HIM TO DM, I THINK THE OTHER 2 WERE TAKEN TO HAND FUNERAL HOME IN TAMA//.” [ISP Communications Radio Log]

7:59 pm Sgt. Stone asked State Radio to call the State Medical Examiner “to see what was going on.” [Memorandum, Sgt. Stone to Lieutenant Randy Jones, 1-15-04]

State Radio reported: “TO DR KLEIN, STATE MEDICAL EXAMINER, SUBJ AT HIS RESD ADVISED HE IS OUT ON HIS SAILBOAT, PAGED HIM.” [ISP Communications Radio Log]

8:00 pm The two officers from the Ames Police Department returned to the Sampson home. They told Pauline Sampson she would be getting a call, she presumed from Broadlawns. They told her Doug had died. They did not say how they found out. And they did not equivocate; they did not indicate any doubt. While the officers were there, she received two calls, around 8:00 pm; the first, from Adam Choat; the second, from “someone official” at Broadlawns. “Adam Choat had called to say that, right at that point, he did call and say that Doug had been there, and then somebody official from Broadlawns called while the police were there, right then at that point, too. I mean, it all happened about the same timeframe.” During the second call, after she was told again that her husband was there, in the morgue, she asked when she could pick up his body. She was told the autopsy would be done the next day, at 8:00 am. [Sampson Interview 2-8-05]

According to Choat, Ames Police Officer Todd Gohlman and Capt. Mike Brennan went to the Sampson home, and then called him. “They called me on my cell phone, and I went ahead and notified the family, the mother, the wife of

Doug, while Ames Police Department was there. She thanked me.” [Choat Interview 1-12-05]

“It’s horrendous to go through a death in your family,” Pauline Sampson told the Ombudsman. “To me, it’s horrendous that I should have had to suffer nine hours, 8 ½ hours, 9 hours, thinking my husband was alive. I just don’t understand it. The accident, itself, is to me just incomprehensible in itself, but to be thinking your husband is alive for that long and you should be with him and you can’t find him. And then having your son call funeral homes is just, it’s pretty sad. And I know many of these people, like, you know, it seems like something in my mind I keep trying to remember something about they kept saying, ‘Well, I don’t know for sure, but I don’t think I’m supposed to give you this information,’ but I think they knew how desperate we were for getting information. So, I just can’t understand it.” [Sampson Interview 2-8-05]

Sampson also told the Ombudsman she does not understand why it took so long to identify her husband’s body and then notify her of his death. Sampson pointed to something that was written on the inside of her husband’s wallet, in black magic marker. “When I got my husband’s billfold back, you know, somebody had written, ‘Slim,’ on it. He’s definitely the tallest, thinnest person in that group, and even if they were questioning who had died for sure out of the six. Ross and him were both in the same ditch right beside each other. So, when you reflect back on that, then there was no reason that I had to wait 8 ½ hours to try to find my husband ... You try to rationalize it. I understand that they don’t want to notify people in error. And there were six people there and three of them were not killed. However, I just, it just seems impossible that they didn’t know. I don’t know where the chain of command broke down in communication, but I don’t think I should have had to sit for eight hours.” [Sampson Interview 2-8-05]

8:10 pm

State Radio reported: “BROADLAWNS FOR SGT. STONE.” [ISP Communications Radio Log]

According to Sgt. Stone, Broadlawns Public Safety Officer Adam Choat called him and reported “he had victims from the accident earlier that day at his facility and was receiving calls from family members wanting information” and “Tama County was not being cooperative about the situation.” [Memorandum, Sgt. Stone to Lieutenant Randy Jones, 1-15-04]

The friend of one of the families who had called Choat earlier called him again. This time, she said, ‘I’m now at the Pickering family. They haven’t received any word either.’ I said, ‘Oh, you’re kidding me?’” According to Choat, he then called Dr. Klein again. “I said, ‘Here’s the situation. These people have not been notified either. No one has been notified. They’re going to be seeing this on the news.’ I said, ‘Tama County really dropped the ball here.’ And he said, ‘What do you suggest?’ And I said, ‘What if we can get a State trooper up here to the morgue, if I can have a State patrolman identify the bodies, and have the State

Patrol make death notifications. Will you agree with that?’ ‘That’s fine,’ he said.” *[Choat Interview 1-12-05]*

Choat told the Ombudsman he called ISP. He talked with a Sergeant, maybe two, maybe one from Des Moines and then one from the Tama County area. He cannot remember either Sergeant’s name. One could have been Randy Stone. The name, Randy Kunert, “doesn’t ring a bell.” He may have talked with the Sergeant from the Tama County area two or three different times. That Sergeant told him he was not at the accident scene, but ISP had troopers there. Choat told the Sergeant he tried calling the County Medical Examiner through the Sheriff’s Office, but did not get any cooperation or information. He told the Sergeant he spoke to Dr. Klein from the State Medical Examiner’s Office, and then asked if they could send a trooper to identify the bodies and then have law enforcement make the notifications. “I told [the Sergeant] the situation, and he was beside himself. I said, ‘Do you want to send a trooper out here so we can take care of this?’ He said, ‘I’ll take your word for it.’ He goes, ‘Give me the information off the driver’s licenses. Make sure it’s correct. I will personally notify the next two families myself.’” According to Choat, the Sergeant told him, “If you think you can clearly make the identification yourself with those IDs, go ahead and do that. Give me the information, and I’ll make the notifications myself.” Choat told the Ombudsman he believes the Sergeant waited on line while he made the identifications. *[Choat Interview 1-12-05]*

When asked how he made the identifications, Choat told the Ombudsman he compared the faces with the photos on the driver’s licenses. Each of the two men had a wallet, and each had a photo-ID. One of the remaining two was “a big gentleman, 250-300 lbs.” According to Choat, “They were pretty banged up, but you could still clearly identify who they were with the faces.” When asked if there were dirt or grime on the faces, Choat said, “There was lots of grime and dirt. There was blood, too. But you could clearly see who it was. And they matched up with the photos on the licenses.” Choat told the Ombudsman he did not wipe or clean the faces before making the comparisons. *[Choat Interview 1-12-05]*

Choat told the Ombudsman he believes he made an extensive report, called an “Incident Report,” documenting and summarizing each of his phone conversations with family members, law enforcement, and Dr. Klein. Choat said Broadlawns should still have the report. He referred the Ombudsman to his former supervisor, Norm Spurlock, the Director of Public Safety and Communications for Broadlawns Medical Center. *[Choat Interview 1-12-05]*

But, according to Spurlock, there is no report and no entry in the “Monthly Incident Log,” authored by Choat or anyone else regarding the motorcycle accident on June 22, 2002. *[Spurlock Interview 1-13-05]*

And, according to Dr. Klein and State Forensic Operations Director Kraemer, there is no record of any phone call in their investigative case file during the afternoon or evening hours, on June 22, 2002, to/from Broadlawns Public Safety, law enforcement, or family members. *[Klein Interview 7-7-04; Kraemer Interview 1-28-05]*

Spurlock told the Ombudsman the Public Safety Officer and the Autopsy Technician jobs are entirely separate. When Choat worked as a Public Safety Officer, he worked for Broadlawns. When he worked as an Autopsy Technician, he worked for the State Medical Examiner's Office. He could not work both jobs at the same time. And as a Public Safety Officer, according to Spurlock, Choat had very limited authority when it came to answering questions about bodies in the morgue. He could answer, "Has the body arrived?" He could answer, "Has the autopsy been done?" But that was it. Calls from family members requesting more information should have been referred to the County or State Medical Examiner's Office. Choat should not have been calling law enforcement trying to get information for family members. As a Public Safety Officer, Choat had no authority to make an identification. *[Spurlock Interview 1-13-05]*

Dr. Klein told the Ombudsman he remembers getting at least one call from a Public Safety Officer at Broadlawns, from "Troy or Adam, but I don't remember which one." The officer asked if he had any information about the cases or the identities of the bodies. He believes the officer needed the information in order to log the bodies' arrival. The officer may have mentioned he had received some calls from people who wanted to know identities. He remembers telling the officer he intended to do the autopsies the next day. When asked if the officer mentioned he recognized one of the deceased, Dr. Klein stated, "When you prompt me with that, it does ring a bell; but I can't confirm that. I don't remember for sure." *[Dr. Klein Interviews 7-7-04 and 2-2-05]*

State Forensic Operations Director Kraemer told the Ombudsman a Broadlawns Public Safety Officer is not authorized to examine the body or examine the body's personal effects, such as driver's license or vehicle registration. A Public Safety Officer is not authorized to make an identification. According to Kraemer, a Public Safety Officer may assist the family in viewing the body for the purpose of identification, but only after receiving instructions from the State Medical Examiner's Office. "Broadlawns Public Safety functions basically to log in and log out the bodies." The Ombudsman asked, "*What if a Public Safety Officer calls you or Dr. Klein and says, 'I'd like to make the comparison, the facial features, compare that with the driver's license, and then I'd like to contact law enforcement and let them know what I think?' Would that be appropriate?*" Kraemer answered, "No, no. That would not be appropriate at all. An identification should be made by the forensic pathologist, and if there's any question, then that information should be relayed by the forensic pathologist or myself from Dr. Klein to law enforcement. The Public Safety Officer, their job is not to make an identification." "*Even if OK'd by Dr. Klein or some other*

pathologist or by you?” “That would never be OK’d by any one of us.” “What if the Public Safety Officer is also an Autopsy Technician?” “That still, that would not be allowed. That is something that is determined by the forensic pathologist, not the Public Safety Officer.” [Kraemer Interview 1-28-05]

Dr. Klein told the Ombudsman even though a Public Safety Officer is not authorized to make an identification, if the officer knew the decedent, “that would be very helpful.” “Certainly could be helpful in getting things started; for instance if we have to start acquiring dental records, that takes time. But confirmation of the ID would have to be made by a medical examiner.” Dr. Klein said he would expect the officer to notify him before sharing his identification information with law enforcement. “If the security officer has talked it over with me and law enforcement calls, I think that security officer could tell the police exactly what they told me ... Say, ‘Look, I recognize this person. I know him from my past and that person is X.’” But, Dr. Klein cautioned, the officer’s information or assessment regarding the decedent’s identity would be preliminary only. Law enforcement would have to decide how best to use the information, and whether and how to approach the family. If there is any question regarding identity, Dr. Klein told the Ombudsman law enforcement would be well-advised to tell the family that they have “a suspicion or this is a preliminary identification – it hasn’t been confirmed yet, we need some additional information.” [Dr. Klein Interview 2-2-05]

Dr. Klein told the Ombudsman if Adam Choat would have called him and said he recognized one of the three, and would like to compare the other two’s facial features with driver’s license photos, and then share his “comparisons” with law enforcement, he would have said OK. “Because we would need to start somewhere in order to make a positive identification.” It would then be up to law enforcement to decide if/how they wanted to use that information. Dr. Klein opined, “If you feel there is a possibility of someone being dead, that you think this is who this person is. And I think enough, if you have an identification and it’s with the person and both have a beard. I think that is enough to at least contact family members. One, “Is Mr. Holland at home?” “No.” “Well, we’ve had a horrible accident here in Tama County. We have a gentleman who has died we think is your husband. Your husband’s ID was on this person. We don’t know for sure, but we think this is who the person is. And we have a few questions to ask you.’ And take it from there.” [Klein Interview 2-2-05]

8:30 pm

According to Sgt. Stone, about the time of Choat’s call, he received a call from Dr. Klein. “I told him that we were receiving calls from family members concerning the accident earlier that day and that we were told that the Tama County Medical Examiner was to make notification after autopsies and positive identification was made. He [Dr. Klein] said, “Oh, no, you can notify family members.” [Memorandum, Sgt. Stone to Lieutenant Randy Jones, 1-15-04]

Sgt. Stone told the Ombudsman Dr. Mallory never informed ISP that he referred the case to the State Medical Examiner. Not until Dr. Klein returned his call at approximately 8:30 pm did he learn Dr. Mallory had referred the case and sent the bodies to Des Moines for autopsy. *[Sgt. Stone Interview 6-16-04]*

When asked why he did not call Jo Anne Holland after speaking with Dr. Klein, Sgt. Stone told the Ombudsman, "I thought the best and most respectful thing to do was to send a person there personally and notify her in person." *[Sgt. Stone Interview 6-16-04]*

Sgt. Stone then called ISP District 1 Sgt. Randy Kunert and "advised him of the situation." Sgt. Stone asked Sgt. Kunert to contact Adam Choat and "arrange to make contact with the family members of the victims to make notification." *[Memorandum, Sgt. Stone to Lieutenant Randy Jones, 1-15-04]*

According to Sgt. Kunert, Sgt. Stone called him between 8 and 8:30 pm and requested "assistance in making the notifications, since the families lived in Boone, Ames and Story City, all of which our (sic) in District 1." *[Memorandum, Sgt. Kunert to Jeff Ritzman, Assistant Chief, Professional Standards Bureau, Iowa Department of Public Safety, 6-2-04]*

Dr. Klein told the Ombudsman he does not remember getting a call from Sgt. Stone or ISP or any other law enforcement officer on June 22, 2002. He only remembers getting a call from a Public Safety Officer at Broadlawns. *[Dr. Klein Interview 7-7-04]*

If he would have received a call from law enforcement wanting to know if they could or should do notifications, Dr. Klein told the Ombudsman he would have asked them what information they had to make the identification. If they had three riders deceased and three others who identified their co-riders, and they had three driver's licenses and vehicle registrations and plates that matched, he would have advised, "Notify the families of the information you have at this point, and an autopsy is going to be performed and at that point, we'll confirm identifications, but at this point, we believe your next of kin has died in a motor vehicle accident. And I would also ask them at this point when they notify those people, to indicate and acquire information such as tattoos, any special jewelry, things that would be unique identifiers that would help us in making identification." *[Dr. Klein Interview 7-7-04]*

Dr. Klein did not examine or even view the three bodies on June 22, 2002. *[Dr. Klein Interview 7-7-04]*

8:52 pm Jo Anne Holland called ISP Cedar Rapids District 11 Office, 319-560-4883, and was told they had no information, but someone would be calling her back. The conversation lasted one minute. *[Letter from Kirke C. Quinn, Attorney for Jo*

Anne Holland, to Governor Tom Vilsack, Commissioner Kevin W. Techau, and others, 1-2-04; Customer Phone Record, AT&T Direct Dialed Calls]

Jo Anne Holland told the Ombudsman she believes the District 11 Office acknowledged the accident, “but no details, the call was too short for any details, but someone would call me back.” *[Holland Interview 1-11-05]*

Between 8:52 and 9:26 pm, Wayne Gilde, an old friend and a frequent motorcycle riding partner, called Jo Anne Holland. The first call came before 9:00 pm; the second call came before she called her work supervisor at 9:36 pm. When Gilde called the first time, he was “pretty sure” her husband had been killed, but he did not tell her. When he called that first time, she told him she had to get off the phone because she was waiting for a call from ISP. “I was waiting for that call and I pretty much made everybody get off the phone that called me.” When Gilde called her the second time, he told her. “He, actually, was the person that told me my husband was dead.” When asked if she knew how Gilde found out about the accident and her husband’s death, Holland told the Ombudsman, “Cell phones and bikers. Someone told him.” *[Holland Interview 1-11-05]*

9:16 pm After arriving at ISP District 1 Office, Sgt. Kunert called Sgt. Stone, Choat, and the Boone County Sheriff’s Office. “During these conversations it was learned that the Sampson family from Ames had already been notified of the collision and the death by a close family friend. Arrangements were made for a Chaplin from Boone County (Ron Glen?) to make notification to the Holland family in Boone, which did occur at approximately 23:15 hours [11:15 pm]. I along with Trooper Marc Griggs #339 went to the Pickering residence in Story City and made notification to the family at approximately the same time, 23:15.” *[Memorandum, Sgt. Kunert to Jeff Ritzman, Assistant Chief, Professional Standards Bureau, Iowa Department of Public Safety, 6-2-04]*

9:34 pm Jo Anne Holland called ISP Headquarters, again, 515-281-3561, and was given the same answer and the same assurance -- ISP had no information, but someone would be calling her back. “No one from the patrol ever returned her telephone call.” *[Letter from Kirke C. Quinn, Attorney for Jo Anne Holland, to Governor Tom Vilsack, Commissioner Kevin W. Techau, and others, 1-2-04; Customer Phone Record, AT&T Direct Dialed Calls]*

After calling her work supervisor at 9:26 pm, Jo Anne Holland called ISP again. She told the Ombudsman she wanted “details” and she wanted “confirmation from someone official, which I should have had hours ago.” *[Holland Interview 1-11-05]*

10:00 pm The Boone County Sheriff’s Office received a teletype, requesting their assistance in making the death notification to the Ross Holland family. Dispatch then contacted Boone County Sheriff’s Deputy Matt Dominick and Pastor Glen. *[Boone County Sheriff Ron Fhere Interview 1-11-05; Complaint # 121303]*

Dispatch called Deputy Matt Dominick to the Sheriff's Office. Dispatch told him what needed to be done. He was told to do the notification. He was told Ross Holland had died in a motorcycle accident. He was told this is where she, Jo Anne Holland, lives. When asked if there were any doubt or question regarding Ross Holland's identity, Dep. Dominick told the Ombudsman, "Not to my knowledge." *[Dominick Interview 1-11-05]*

10:47 pm

The Boone County Sheriff's Office and Chaplain Ron Glen notified the Holland family. *[Memorandum, Sgt. Kunert to Jeff Ritzman, Assistant Chief, Professional Standards Bureau, Iowa Department of Public Safety, 6-2-04]*

"Late that evening the Boone County Sheriff's Office appeared at her door. The officer told her that the Boone County Sheriff's Office had just received word from the patrol that Mrs. Holland's husband had died in a motor vehicle accident occurring in Tama County that morning." *[Letter from Kirke C. Quinn, Attorney for Jo Anne Holland, to Governor Tom Vilsack, Commissioner Kevin W. Techau, and others, 1-2-04; Customer Phone Record, AT&T Direct Dialed Calls]*

Two men, a deputy and a chaplain, told Jo Anne Holland, "Medical records indicate your husband was killed in a motorcycle wreck on Highway 30; and that I needed to call the medical examiner the next morning to identify him, and probably could do that over the phone." In preparation for a civil trial, sometime before January 2004, she noted what they said in her phone record. Her note reads: "They stated 'medical records indicate ...' I was to call the medical examiner Sunday morning to try to identify over the phone." She told the Ombudsman she has no idea what they meant by "medical records." She said. "The only records that could have, should have confirmed it is identification on him, which all of them, was my understanding, they had identification on them." *[Holland Interview 1-11-05; Note by Holland written in margin of Customer Phone Record, AT&T Direct Dialed Calls]*

When the deputy and chaplain came to the door, Jo Anne Holland was not "a happy camper." She had "tried all evening to find out information from ISP, to no avail, multiple times." She told the Ombudsman, "It was bad enough losing my husband of 35 years without having to go through the fact the way I felt was I could not be with him. I know I couldn't have saved him, but I should have been there at that accident or down in Des Moines, after he was taken, wherever he was taken to. When they called me or tell me that hour of night and he's been dead for eight hours, nine hours, he's cold. I should've been with him at least when he was warm. It's just totally wrong. Totally wrong." *[Holland Interview 1-11-05]*

According to Dep. Dominick, Pastor Glen did most of the talking. This was Dep. Dominick's first death notification. When he and Glen arrived at the Holland home, Jo Anne Holland was "distracted and angry." She was emotional and

angry at the way things were handled. She was angry at ISP for “not getting the notification earlier.” He tried to give her the phone number for ISP, but she said she already had the number and she had called it several times trying to get information and was not successful. He does not remember referring her to the State Medical Examiner’s Office, but he may have. He and Glen were at the Holland home for about fifteen (15) minutes. *[Dep. Dominick Interview 1-11-05]*

“Many times after being notified of a death, family members desperately want to go to the body of their loved one. When the death is from homicide, law enforcement often must prohibit viewing the body at the crime scene. Some family members will want to view the body at the morgue rather than wait for the cosmetic work of the funeral home. They often have a need to say goodbye as soon as possible after the death. It is now generally acknowledged that survivors who are given the choice of viewing their loved one’s body benefit from the opportunity to make a choice.” *[“A Guide to Survival: Information for the family and friends of homicide victims,” Iowa Department of Justice, Crime Victim Assistance Division, 1991]*

According to Des Moines Police Officer Steve Howell, in his experience as the Department’s Victim Resource Officer, 20% of the time family members want to see the body before the autopsy, before the body is taken to the funeral home. Officer Howell told the Ombudsman when the State morgue was located at the Broadlawns Medical Center he could take family members there to view the body through a glass window. Now, at the new State morgue in Ankeny, Iowa, family members may view the body via television monitor. *[Howell Interview 8-22-05]*

11:05 pm

Dep. Dominick and Pastor Glen left the Holland home. *[Dep. Dominick Interview 1-11-05; Boone County Sheriff Ron Fhere Interview 1-11-05; Complaint # 121303; Holland Interview 1-11-05]*

Dr. Mallory told the Ombudsman he does not know when Dr. Klein completed the autopsies; but if Mrs. Holland were notified that night just after 11:00, at ISP’s direction, then that would mean Dr. Klein “felt in his mind that this was Ross Holland and he had completed his autopsy and he turned to one of the deputies beside him or told one of his assistants to notify the Highway Patrol that Ross Holland was indeed one” of the deceased. *[Dr. Mallory Interview 6-24-04]*

In a follow-up interview, the Ombudsman asked Dr. Mallory, “*In this case, the death notifications were done that night between 11 and 12:00 midnight, June 22. Now, they were done before Dr. Klein viewed the bodies, before he did the autopsies. ISP, Iowa State Patrol, arranged for the notifications based on information they had gathered at the scene and some information they had collected later. I’m just telling you that because I think that’s factual and I’d like your reaction.*” Dr. Mallory responded, “Well, that would not be the best way to handle it. And certainly I would consider that to be inappropriate, but I’m speaking from a medical standpoint.” *[Dr. Mallory Interview 1-18-05]*

11:09 pm Jo Anne Holland waited to call her sons and other family members until after she knew officially. "I had no reason to want them to be upset until I knew." She had no contact with either son on June 22, 2002 before 11:09 pm, when she called Jesse and told him his father had been killed in a motorcycle accident. She called Jeffrey at 11:36 pm. He was busy; he said he would call her back. When he did, a few minutes later, she told him. Prior to those calls, her sons had no idea their father had been involved in an accident. After calling her sons, she called Ross Holland's two sisters. *[Holland Interview 1-11-05]*

June 23, 2002

8:41 am Jo Anne Holland called Dr. Klein at the Broadlawns morgue, 515-282-5511. The conversation lasted eight minutes. *[Customer Phone Record, AT&T Direct Dialed Calls]*

Jo Anne Holland told Dr. Klein her husband "had a t-shirt on and his hair line was receding, and it was salt and pepper hair, and he had boots on." She cannot remember what else she told him. But Dr. Klein told her she had given him enough information that he was satisfied it was her husband. *[Holland Interview 1-11-05]*

9:30 am Between 9:30 and 10:00 am, Pauline Sampson called the State Medical Examiner's Office. She asked when they were going to release her husband's body. She was told the autopsy was not yet completed. Between 11:00 am and Noon, she received a call from Adams Funeral Home. Her husband's body had been released. *[Sampson Interview 2-8-05]*

10:30 am Dep. State Medical Examiner Dr. Klein began the autopsy of Holland's body. *[Report of Autopsy, Case No. 02SME125]*

During the autopsy, Dr. Klein was able to clean the face, remove the blood and grime, and then make a visual comparison with the photo on the driver's license. *[Dr. Klein Interview 7-7-04; Report of Autopsy, Case No. 02SME125]*

In his "Report of Autopsy," Dr. Klein stated he identified the body by "[v]isual comparison with Iowa State driver's license and identifying features such as hair, clothing and facial hair from decedent's wife." In the section titled, "External Examination," Dr. Klein further stated:

The body is that of a well developed, well nourished, adult Caucasian male who weighs 171 pounds, is 68.5 inches in height, and appears compatible with reported age of 57 years ...

Personal effects accompanying the body include a key, 52 cents in coins and black wallet containing \$256 paper money, a MasterCard, a VISA card, a pilot's license and various cards, papers and receipts.

The body is identified by comparison with Iowa driver's license ...

The scalp hair is gray, straight with male frontal pattern baldness and is approximately 3 inches in length over the posterior crown. The irides [or irises] are blue-green

[Report of Autopsy, Case No. 02SME125]

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No one from law enforcement attended the autopsy. *[Dr. Klein Interview 7-7-04; Report of Autopsy, Case No. 02SME125]*

Dr. Klein told the Ombudsman he cleaned Ross Holland's face by using soapy water and a mildly abrasive wash cloth. He removed the blood and the road grime. After cleaning the face, Dr. Klein said he was able to compare the facial features with the photo on the driver's license, but wanted additional information from family members in order to make positive identification. "We felt comfortable this is the right ID, and then we took a couple of extra steps because there are three individuals who are all the same circumstances. We asked family members such as the type of clothing they would have been wearing. We asked if there's significant negatives, like, was there any major surgeries, did the person have any missing fingers, just to make sure that we don't have any major inconsistent findings. And then we felt comfortable making the identification." *[Dr. Klein Interview 2-2-05]*

The Ombudsman asked Dr. Klein, "Before you cleaned Mr. Holland's face, would you have been able to make the identification?" Dr. Klein answered, "I think it would have been very difficult. My experience when you have multiple fatalities that all occur at once, you have to be very careful. I've had situations in the past where people have been carrying the other's IDs. People aren't necessarily with, closest to the vehicle that they were actually riding in. The person who was driving may not actually be the person who the vehicle was registered to. So, I think I would have been very reluctant to have made an

identification at the scene based solely on a picture ID considering the number of people involved, the degree of injury to the face.” [Dr. Klein Interview 2-2-05]

June 24, 2002

----- The State Medical Examiner’s Office faxed the “Preliminary Findings” to Dr Mallory. -----

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By the time he received the fax, Dr. Mallory told the Ombudsman he had already heard reports by the media regarding the accident; and he assumed the death notifications had already been made because the media in their reports had released the names of the victims. [Dr. Mallory Interview 6-24-04]

July 31, 2002

The State Medical Examiner’s Office mailed the “Report of Autopsy” to Dr. Mallory, Tama County Attorney Brent Heeren, and Jo Anne Holland. [Cover Letter, Dr. Klein]

September 8, 2004

- 4:11 pm “[A] 1995 Buick Roadmaster, driven by -----, was eastbound on Highway 30 [in Tama County]. This vehicle crossed the centerline and had a head-on collision with a 1994 westbound Ford Ranger driven by ----- . These vehicles collided on the westbound lane of Highway 30 just east of the Montour corner ... After impact, the Buick burst into flames. According to the preliminary autopsy report, ----- and ----- were killed by multiple blunt force injuries.” [Investigating Officers Report of Motor Vehicle Accident, Law Enforcement Case Number -----; Technical Collision Report, Iowa State Patrol, Case -----]
- 4:15 pm Tama County Sheriff’s Office logged: “2 VEHS HEAD ON MONTOUR TURNOFF.” [Call Summary Report, Call 04008132]
- 4:20 pm Tama County Sheriff’s Office logged: “1 VEH UPSIDE DOWN IN THE DITCH & ONE VEH IN THE ROAD. ONE OF THE VEHS IS ON FIRE. R/P’S ADVISE THEY BELIEVE DRIVER OF THAT VEH IS DEAD.” [Call Summary Report, Call 04008132]

4:30 pm Tama County Sheriff's Office logged: "PER CH [Dep. Chad Hansen] – CONTACT THE M.E. THIS IS GOING TO BE A DOUBLE F." [Call Summary Report, Call 04008132]

4:45 pm ISP Trooper Michael Austin arrived at the scene. [Technical Collision Report, Iowa State Patrol, Case -----]

Trooper Austin investigated the accident. ISP Sgt. Randy Stone and ISP Trooper Dave Hughes assisted, along with Tama County Sheriff's Deputy Chad Hansen. [Technical Collision Report, Iowa State Patrol, Case -----; Trooper Austin Interview 2-22-05]

Dr. Mallory told Trooper Austin he was sending the bodies to the State Medical Examiner's Office for autopsy. He also told Austin not to do death notifications until "advised by the medical examiner to do so." But Austin and Sgt. Stone went ahead and notified -----'s next of kin; and Trooper Hughes and Dep. Hansen went ahead and notified -----' next of kin. In notifying next of kin before getting word back from the State Medical Examiner's Office, Austin and the other officers acted contrary to Dr. Mallory's advice. In his Report, Austin stated:

Dr. Mallory, the Tama County Medical Examiner, was there and he advised me that both victims were going to be transported to the State Medical Examiner's Office. He advised us to not do any death notifications until we were advised by the medical examiner to do so. Sergeant Stone and I looked at the female victim and compared her to the driver's license we found in the purse that was located in the vehicle. There was also a picture employee ID from ------. The vehicle was registered to the same person in the driver's license. We looked at the picture and at the female deceased subject and we were certain it was the female on the driver's license.

Sergeant Stone and I went to ----- to advise the family of the situation. We arrived at the residence and were told by neighbors that ----- lived with her boyfriend at her house. They gave us the number and address of the grandfather. We went to his residence north of ----- to make him aware of the situation. He was advised and he stated that he would contact -----'s mother.

Trooper Hughes and Deputy Hansen went to see relatives of the driver of the Buick, -----, to try to ascertain if the victim was indeed the registered owner. The condition of body after the fire was such that identification by picture was not a possibility. They were advised that ----- lived alone and rarely, if ever, had anybody ever drive his vehicle. They were positive that it had to be -----, but the family was advised that the actual notification

would not be made until the state medical examiner had done a positive identification from medical/dental records

[Technical Collision Report, Iowa State Patrol, Case -----]

Trooper Austin told the Ombudsman, "We took both pictures and looked at her and you could easily tell without a doubt that that was her." As soon as they were able to leave the scene, he and Sgt. Stone drove to -----'s current address and attempted notification. "When we pulled into the grandfather's yard, he was mowing his lawn. So, it couldn't have been dark yet, but I think it was probably getting close." *[Trooper Austin Interview 2-22-05]*

The Ombudsman asked, "Who made the decision to do the death notification?" Trooper Austin answered, "As far as I remember, the Medical Examiner, Tama County, was kind of undecided whether or not it should be done. If I remember correctly, he had made some comment about she needs to be identified by the State Medical Examiner, and I know that Sgt. Stone and I discussed the fact that we were very positive that this is who she was, and being that we were that sure, considering the situation, registered owner, female, matched the description, matched the height and weight, two photo IDs that matched her. We were positive that that's who that was. And so we talked to him and said, we'd really like to make the notifications now and he, if I remember correctly, had said, 'Well, if you guys want to do that, that's basically going to be your deal,' cause he would rather have waited, as far as I remember." *[Trooper Austin Interview 2-22-05]*

When questioned about the sentence in his report that begins, "He advised us not to do any death notifications," Trooper Austin responded, "That, well, yeah, that was his recommendation and we said we would rather at least make notification and when we advised these people we said that we believe that it's her. Positive identification by the State Medical Examiner hasn't been done, because, I don't remember our exact wording, you're talking about a conversation several months ago, but I do remember us saying and Sgt. Stone and I talking about the fact that that's what Dr. Mallory was requesting, and we thought that was unnecessary in this case because of the fact we, of that particular situation, that we had with the information we had." *[Trooper Austin Interview 2-22-05]*

When asked how Dr. Mallory reacted, Trooper Austin answered, "Well, like I said, we notified the family that we believe that it was, by the photo IDs and whatnot, and that they would be contacted by the State Medical Examiner's Office when the State's positive identification has been done." When pressed for Dr. Mallory's reaction at the scene, Trooper Austin stated, "Well, he didn't tell us not to do it as far as I remember, I mean, it was, he said he would prefer that the State Medical Examiner's Office would do that and then, basically, he's not my boss, so I guess I don't know what to tell you about that." The Ombudsman then asked, "Do you need his approval before you do the death notification?" Trooper

Austin answered, "I don't know. I don't know the, there's, I don't know the policy on that." [Trooper Austin Interview 2-22-05]

The Ombudsman asked Dr. Mallory, "*About six months ago there was a traffic accident, you were called to the scene. Iowa State Patrol was there, so was the County Sheriff's Office. Six months ago you sent the bodies to Des Moines for autopsy. You couldn't make a positive ID at the scene, but the trooper and a deputy based on the information they had, they went out to the suspected family members and they conducted a preliminary-type notification. Do you remember that?*" "Well, there are several possibilities but there are a couple of instances, yes." "*This one, the suspected family members lived on the settlement.*" "OK." "*Do you know the incident?*" "Yes." "*Could you please tell me about that?*" "Well, the problem is we have one individual who is burned beyond recognition and the plate comes back to a person who would live on the settlement. The other individual was a victim of considerable trauma and the plate came back to who we thought maybe it might be. There is really no difference in this situation than there is any other situation that until I have positive ID and confirmation of who it is, I don't think that the family members should be told. And in this specific instance, I remember that there was a family member, as a matter of fact, the brother of the deceased, who called me and was quite upset that he hadn't been told about it or whatever, and when I spoke with him, I said I'm not sure about anything yet. And I have no idea who actually communicated to him that it was his brother involved in the accident." "*Do you remember his name or the victim's name?*" "Yes." "*Would you tell me?*" "I think the problem is that it's a situation where people have a certain amount of information and they want to notify people as soon as possible, and that's all fine and good when it's correct. If it's incorrect information, then a tremendous amount of heartache, damage, etc. is done. In this case, the deceased's name was -----. The individual that called me was -----, who is a community activist and a very volatile person." [Dr. Mallory Interview 1-18-05]

The Ombudsman then asked, "*Is my information correct though, the trooper and a deputy went out and did notify?*" "I don't know. I do not know that. I have an idea, and I'm probably speaking out of turn a little bit, but that specific trooper felt that he had enough information that he could complete his investigation and go on about his business. And I cautioned him that perhaps he should wait a little bit because I hadn't released any information. So, I remember the incident because I have been through this before where I've notified someone of an inappropriate name and it's not pleasant. And I think I mentioned that to you. And it strikes me that if my duty as the Medical Examiner and a medical person in the community if I don't do my duty correctly and at least be able, you know, positively identify someone before I notify the family that they have been through a terrible accident, whatever, and were taken from them suddenly, then I don't think that I'm really contributing much to society. We do have a little thing in our community, such as the press believes the public has a right to know as soon as possible, blah, blah, blah, and they would like to make their deadline and get it on the news, etc. Well,

I'm sorry, if you can't give correct information you shouldn't give any information." [Dr. Mallory Interview 1-18-05]

4:55 pm Tama County Sheriff's Office logged: "104 called and he stated per Mallory we need to (?) funeral homes called and have them take 2 bodies to des moines both hands and harrison's was called." [Call Summary Report, Call 04008132]

6:20 pm Tama County Sheriff's Office logged: "CH @ ATTEMPTING DEATH NOTIFICATION REF -----." [Call Summary Report, Call 04008132]

September 10, 2004

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September 15, 2004

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FINDINGS AND CONCLUSIONS

1. The accident that killed Ross Holland, Doug Sampson, and Arlen Pickering occurred at 11:05 am Saturday, June 22, 2002.
2. Tama County Medical Examiner Dr. Dennis Mallory pronounced Ross Holland dead at the scene at 11:56 am.
3. Iowa State Patrol (ISP) served as the lead law enforcement agency and Trooper Kent Brown served as the investigating officer.
4. As the investigating officer, Trooper Brown was responsible for determining accident causation. As the County Medical Examiner, Dr. Mallory was responsible for determining cause and manner of death. Each, in their respective investigative functions, was responsible for seeking and gathering information necessary to determine the identities of the deceased.
5. Responsibility for death notification is not assigned in Iowa law.
6. Neither ISP nor Tama County has policy that addresses responsibility for death notification.
7. When ISP is the lead law enforcement agency, the general practice in Tama County and in several other Iowa counties is for law enforcement and the county medical examiner to gather at the scene and discuss and then determine responsibility for death notification. The various law enforcement agencies called to the scene confer with the county medical examiner, and then decide, as a group, which agency and which officer will take responsibility for making sure notification is accomplished. It is decided on a case-by-case basis. Sometimes, it is ISP. Other times, it is local law enforcement or the county medical examiner. Factors commonly considered in the decision-making process include officer or medical examiner's familiarity with the victim, the victim's home address, agency and officers' workloads, and agency staff resources.
8. Neither ISP nor Tama County has policy or practice that directs investigating officers to document the agreed-upon, assigned responsibility for death notification.
9. In this case, Trooper Brown and Dr. Mallory had very limited discussion regarding identification and death notification. Trooper Brown thought Dr. Mallory and Dr. Mallory thought law enforcement would be handling death notification.
10. Trooper Brown did not document who assumed responsibility for death notification. And neither did Dr. Mallory.

11. Because of trauma, dirt, and blood on the faces, Dr. Mallory believed he could not positively identify the bodies at the scene. To make positive identification, Dr. Mallory sent the bodies to the State Medical Examiner for autopsy.
12. Dr. Mallory instructed law enforcement not to release any information regarding the victims' identities until positive identification had been made through autopsy.
13. Because Trooper Brown thought Dr. Mallory would be handling the death notifications, he waited until the next day to verify the identification information collected at the scene. Because he was not responsible for death notification, there was no urgency to verify the information already gathered or to collect additional identification information. He relied on Dr. Mallory to make the identifications, and then notify next of kin.
14. Dr. Mallory, in turn, relied on the State Medical Examiner. He expected the State Medical Examiner to identify the bodies through autopsy, and then notify law enforcement, probably ISP. He expected ISP or a County Sheriff's Deputy to then notify next of kin.
15. When the bodies left the scene, Dr. Mallory did not know when the State Medical Examiner would do the autopsies. He did not know if they would be done later that day or the next day. But, as far as he was concerned, it did not matter. Until the autopsies were done and the bodies positively identified, no identification information would be released and no death notifications would be made.
16. In order to conduct a death notification, ISP does not need approval from the State or County Medical Examiner. The agency that assumes responsibility at the scene for death notification – ISP, local law enforcement, or County Medical Examiner – is the agency that decides, after consultation with the other involved agencies, whether and when to notify next of kin. The agency that assumes responsibility for death notification is the agency that decides whether identification information collected at the scene and afterwards is sufficient to initiate the notification process.
17. Neither law nor policy prevented Trooper Brown from assuming responsibility for death notification. Had Brown assumed responsibility, he, not Dr. Mallory, would have been the one to determine when the notifications would be made. Brown would have decided if and when his identification information was sufficient. He would have consulted Dr. Mallory or the State Medical Examiner, as well as other law enforcement officers at the scene; but he would not have needed Dr. Mallory or the State Medical Examiner's approval before doing the notifications.
18. In this case, Dr. Mallory and law enforcement collected "some" identification information at the scene. They had drivers' licenses, vehicle registrations, and other documents. By most accounts, what they had at the scene was insufficient to make death notifications. But, what they did have was a reasonable suspicion. They had a

pretty good idea. They had a starting point. They had names and addresses. They knew where to go to collect additional identification information.

19. After leaving the scene, instead of waiting for the State Medical Examiner to conduct the autopsy and determine identity, Dr. Mallory and law enforcement could have continued their work in trying to identify the deceased, in trying to collect more identification information. They could have contacted the accident survivors or family members of survivors. They could have contacted suspected family members of the deceased. They could have approached family members as investigators not death notifiers. They could have told family members, “Here is what we know and here is what we need to know.” By all accounts, in order for the State Medical Examiner to make positive identifications, more than likely, someone would have had to make contact with suspected families, sooner or later, in order to collect additional identifiers, such as body markings, clothing descriptions, and dental records. After leaving the scene, Dr. Mallory and law enforcement could have begun that process. In the words of Dr. Klein, they could have got “the ball rolling.” And who knows, what they may have found out may have led them to believe they had sufficient information in which to do the death notifications. Either way, their work would have certainly expedited the identification and notification processes.
20. Someone – Dr. Mallory, Trooper Brown, Sgt. Stone, Trooper Williams, Deputy Hansen – someone should have assumed responsibility for continuing to seek additional identification information for the purpose of making notifications as soon as possible. Someone should have contacted survivors or suspected neighbors or other local law enforcement agencies in an effort to confirm or verify the identification information collected at the scene. Someone should have contacted the suspected next of kin hours before they were actually notified. Someone should have contacted them and told them what they knew and what additional information they needed. Someone should have called them and told them where the bodies were taken and what needed to be done to view the bodies, perhaps to identify the bodies. Someone should have taken charge and got “the ball rolling.” Failure to do so was unreasonable and unfair to the families of the deceased.
21. Not until a public safety officer at Broadlawns called law enforcement trying to get information for suspected family members did the ball get rolling. And then, instead of getting positive identification, which Dr. Mallory thought could only come from autopsies, law enforcement obtained more of the same, another review of personal effects found at the scene and another comparison of “unwashed” facial features with drivers’ license photos. And then, instead of contacting suspected family members in an investigatory mode with, “Here’s what we know and here’s what we need,” law enforcement went ahead and conducted actual death notifications.
22. In this case, ISP assumed responsibility for death notification some eight hours after the three of the motorcyclists were killed. When ISP notified or caused to be notified Ross Holland and Arlen Pickering’s next of kin, ISP had gained neither the State nor the County Medical Examiner’s “approval.” Dr. Dennis Klein, Deputy State Medical

Examiner, in his conversations with the public safety officer at the Broadlawns Medical Center, only approved the officer's sharing of personal information or observations regarding possible identity with law enforcement. When ISP made the decision to initiate the notification process, Dr. Klein had made no determination. In fact, he had no information regarding the identities of the deceased. He had not performed the autopsies. He had not even viewed the bodies or seen any of the personal effects.

23. Between 8 and 8:30 pm, ISP initiated the notification process. At 10:47 pm, Boone County Sheriff's Office and Chaplain Ron Glen notified Jo Anne Holland. At 11:15 pm, ISP notified Arlen Pickering's next of kin. Nearly eleven hours elapsed after Ross Holland was pronounced dead before Ms. Holland received official notification.

RECOMMENDATIONS

1. Propose legislation or develop rule or policy, applicable statewide, that establishes responsibility and process for seeking additional information necessary to determine the identity of persons who are killed and whose deaths necessitate investigative action by law enforcement officer or medical examiner so that identification is determined and death notification is accomplished as soon as possible. In developing law, rule, or policy, ISP/DPS and the State Medical Examiner should work collaboratively with the Interagency Coordinating Council (*See* Iowa Code section 691.6B), the Iowa Attorney General, the Tama County Medical Examiner, the Tama County Sheriff, other County Medical Examiners and other County Sheriffs, City Police Chiefs, victim services organizations, funeral home directors, the media, the faith community, and persons who have received actual death notifications. New law, rule, or policy should address:
 - What identification information should be collected at the scene and how should that information be used to collect additional identification information.
 - When and how the decision is made to seek additional identification information – who is involved in the decision and who is assigned to gather and analyze additional information.
 - What agencies or people should be contacted or interviewed, and when.
 - What documents or records should be examined, and when.
 - When and how a decision is made to contact neighbors of suspected next of kin or family members.
 - When and how a decision is made to contact suspected next of kin or family members.
 - When and how contact with suspected family members should be accomplished.
 - When and how suspected family members are asked to view the body of the deceased in order to make identification.
 - When and how additional identification information should be communicated to other concerned law enforcement agencies and medical examiners.
 - When and how the decision is made that the deceased has been sufficiently identified so that the death notification process can begin.
2. Propose legislation or develop rule or policy, applicable statewide, that establishes responsibility and process for conducting death notifications so that next of kin or family members of persons who are killed and whose deaths necessitate investigative action by law enforcement officer or medical examiner are notified as soon as possible. In developing law, rule, or policy, ISP/DPS and the State Medical Examiner should work collaboratively with the Interagency Coordinating Council, the Iowa Attorney General, the Tama County Medical Examiner, the Tama County Sheriff, other County Medical Examiners and other County Sheriffs, City Police Chiefs, victim services organizations, funeral home directors, the media, the faith community, and persons who have received actual death notifications. New law, rule, or policy should address:

- When and how a decision is made to do death notification – who is involved in the decision and what factors or criteria are considered.
 - How and where the decision is documented, and by whom.
 - When and how notification is accomplished, and by whom.
 - How and where attempts at notification are documented, and by whom.
 - When and how next of kin or family members are allowed to view the body of the deceased.
3. Send a letter of apology to Jo Anne Holland, signed individually or collectively, by DPS Commissioner Kevin W. Techau, Tama County Sheriff Dennis Kucera, and Tama County Medical Examiner Dr. Dennis Mallory.

AGENCY RESPONSES



Fields of Opportunities

STATE OF IOWA

THOMAS J. VILSACK
GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

DEPARTMENT OF PUBLIC HEALTH
Mary Mincer Hansen, RN, PhD, DIRECTOR

September 23, 2005

Don Grove
Assistant Citizen's Aide/Ombudsman
Ola Babcock Miller Building
1112 East Grand Avenue
Des Moines, Iowa 50319

Dear Mr. Grove:

The Iowa Office of the State Medical Examiner is in receipt of and has reviewed your investigative report regarding the delayed death notification made to family members of Ross Holland, who died in a multiple-fatality motorcycle accident that occurred in Tama County on June 22, 2002.

After reviewing your investigative findings and recommendations, the Iowa Office of the State Medical Examiner will take the following actions in an effort to prevent delayed death notifications in the future.

- 1) Draft and distribute guidelines to county medical examiners and their investigators regarding steps to take in order to establish positive identification of the deceased and how to work with law enforcement to ensure next-of-kin is notified once a positive identification is made.
- 2) The Iowa Office of the State Medical Examiner will also address how to establish positive identification of decedents and perform subsequent death notifications at the 2005 Iowa Association of County Medical Examiner's (IACME) Fall Conference. This conference will be held on November 4th and 5th, 2005.
- 3) Write specific guidelines for the identification process of unknown or unidentified decedents received at the State Medical Examiner's Office and once that identification is established how it is reported to the county medical examiner and law enforcement agencies to ensure that proper notification of next-of-kin occurs.

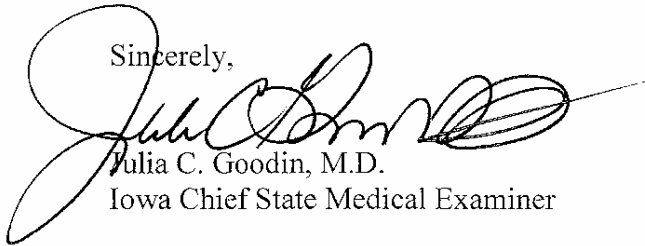
The mission of the Iowa Office of the State Medical Examiner is to "establish credibility in death investigation in a system that will operate efficiently and serve the needs of the citizens of Iowa."

IOWA OFFICE OF THE STATE MEDICAL EXAMINER
2250 S. ANKENY BLVD. / ANKENY, IOWA 50023-9093
DEAF RELAY (HEARING OR SPEECH IMPAIRED) 1-800-735-2942 / INTERNET:
[HTTP://WWW.IDPH.STATE.IA.US/ADMIN/MEDICAL_EXAMINER.ASP](http://www.idph.state.ia.us/admin/medical_examiner.asp)
PHONE# 515-725-1400 / FAX# 515-725-1414

This incident and your investigative report has provided our office with knowledge of an area within death investigation where we need to increase our focus and efforts on improving the process by which death notifications are made in a timely manner.

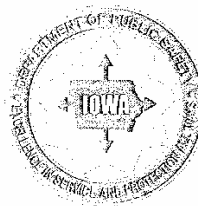
If you should have any questions or concerns regarding the above actions, or if we can be of further assistance, please feel free to contact our office at (515) 725-1400.

Sincerely,

A handwritten signature in black ink, appearing to read 'Julia C. Goodin', with a large, stylized flourish on the left side.

Julia C. Goodin, M.D.
Iowa Chief State Medical Examiner

Thomas J. Vilsack
Governor
Sally J. Pederson
Lt. Governor



Kevin W. Techau
Commissioner

October 7, 2005

William P. Angrick II
Citizen's Aid Ombudsman
Ola Babcock Miller Building
1112 East Grand Avenue
Des Moines, IA 50319

Dear Mr. Angrick,

We have received your report of September 8, 2005, regarding a complaint filed by Kirke C. Quinn, attorney for JoAnne Holland. Please extend our thanks to Mr. Don Grove for his effort in conducting a very thorough investigation.

In response to recommendations 1 and 2 in your report, the Department of Public Safety is always willing to participate in constructive dialog regarding meaningful legislation to improve public safety or service for the citizens of and visitors to the State of Iowa.

In response to recommendation 3 in your report, a letter of apology will be sent to Ms. Holland with my signature.

Thank you again for your suggestion to improve our service to a citizen of our state.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Techau".

Kevin Techau
Commissioner, Iowa Department of Public Safety

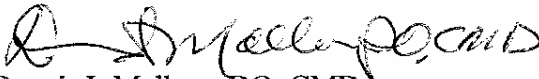
William P. Angrick II
Citizens Aide/Ombudsman
Ola Babcock Miller Building
1112 East Grand Avenue
Des Moines, Iowa 50319

15 October 2005

In reply to your letters and fax, please consider this communication my response.

1. As custodian of the confidential files, you may use whatever you need related to the motorcycle crash incident.
2. The Iowa State Medical Examiner has updated the procedures for victim identification and notification of kin. This has been incorporated in the manual for county medical examiners.
3. It is my professional opinion that addition of legislation and/or regulation is not appropriate in this area.
4. It is unfortunate that in the 21st century and the 'age of information', there are situations that do not meet our expectations. In a civil society, there is an obligation to follow procedure. As a physician, death is an extremely difficult situation because of many issues. Sudden, traumatic, and multiple deaths further complicate the role of the physician medical examiner. Procedures and protocols cannot prescribe precise action because of the variables in each case.
5. I regret the unfortunate happenings and I extend my sympathy to the families.

Sincerely,


Dennis I. Mallory, DO, CMD
Tama County Medical Examiner