

1. CASE NO. 921105CCC3049			2. INVESTIGATOR'S ID 8 1 9 8			3. OFFICE CODE 8 6 0			EPIDEMIOLOGIC INVESTIGATION REPORT			
4. DATE OF ACCIDENT YR MO DAY 9 2 0 5 2 9			5. DATE INVESTIGATION INITIATED YR MO DAY 9 2 1 1 1 2			JAN 2 1993						
6. SYNOPSIS OF ACCIDENT OR COMPLAINT On May 29, 1992, an eight month old female was found face down in five inches of water in a bathtub. The incident occurred while bathing with her two year old sister at their residence. She was taken to a local hospital for treatment. She died eight days later.												
7. LOCATION (Home, Street, etc.) Home				8. CITY Broken Arrow			9. STATE Oklahoma					
10A. FIRST PRODUCT Bath seat				11A. TRACE/BRAND NAME, MODEL NUMBER, MANUFACTURER & ADDRESS Swivel bath seat Safety 1st Inc. 210 Boylston Street, Chestnut Hill, MA 02167			10B. SECOND PRODUCT None			11B. TRACE/BRAND NAME, MODEL NUMBER, MANUFACTURER & ADDRESS None		
12. AGE OF VICTIM 2 0 8			13. SEX (Use numerical code) MALE -1 FEMALE -2 UNKNOWN -3 2			14. DISPOSITION Hospitalized			15. INJURY DIAGNOSIS Submersion Resp. drowning 6 9			
16. BODY PART All parts			17. RESPONDED (Agency, Private) Lawyer and Medical Examiner			18. TYPE INVESTIGATION ON SITE 1 TELEPHONE 2 OTHER 3 3			19. TIME SPENT 1 0 0			
20. ATTACHMENTS Multi			21. CASE SOURCE Law firm			22. REVIEWED BY 8 0 2 1			YR MO DAY 9 3 0 1 1 9			
23. PERMISSION TO DISCLOSE NAMES (NON-BUSINESS CASES ONLY) CPSC MAY DISCLOSE BY NAME <input type="checkbox"/> CPSC MAY NOT DISCLOSE BY NAME <input checked="" type="checkbox"/>												
24. NARRATIVE (See Instructions on Other Side)						25. REGIONAL OFFICE DIRECTOR REVIEW DATE						
Narrative report and exhibits are attached.												
NFR/ERVLBR NOTIFIED <input checked="" type="checkbox"/> No comments made <input type="checkbox"/> Comments attached <input type="checkbox"/> Exclusions/Revisions <input checked="" type="checkbox"/> Firm has requested further notice 1-10-95- <i>AD</i>												

CPSC FORM NO. 102 (Previous 1078)

APPROVED FOR USE THROUGH 5/31/94 OMB NO. 3041-0029

INSTRUCTIONS FOR NARRATIVE

Use the following "outline" during in-depth investigations to reconstruct the accident sequence and to describe the condition associated with the accident or injury. Include in your narrative as many factors as possible relating to the victim's activities, accident, injury, and product(s). Use Supplemental Investigation guides if appropriate. Be sure to enclose photos and diagrams as per instructions to enhance your report.

PRE-ACCIDENT: Activities of victim prior to accident; unusually tired or fatigued; physical condition (consider: acutely ill, chronically ill, handicapped or disabled, under influence of drug or alcohol); upset for any reason; awareness that this activity might be dangerous; any safety precautions taken to prevent such an accident; familiarity with proper operation of product; level of experience with product; performed this specific activity before; immediate environment and related factors (atmospheric conditions; obstacles; wet, uneven, rough, or slippery surface). Who is the owner of the product causing or involved in the accident? Did operator (victim) previously read and understand product owner's manual? What was the original intent of using the product involved in the accident?

ACCIDENT: Exact activity of victim at time of injury; any distractions or unusual circumstances (i.e. in a hurry); relative position of product and part of body injured; type of energy transfer that caused injury (mechanical, electrical, thermal, radiation, chemical); source of energy involved (product, victim, outside source); safety measures/devices being followed or used or removed at time of accident.

POST-ACCIDENT: Actions of victim, or bystanders; injury treatment; severity of injury, any permanent impairment (nerve damage, stiff joints, loss of sight, etc.); action taken to prevent reoccurrence; principal dimensions of area involved; physical condition of materials after accident.

PRODUCT IDENTIFICATION: Who manufactured the product; when; of what material was the product constructed; any caution instructions, age recommendations; describe any controls on product, such as on/off mechanism; describe any safety device(s) on or included with product; describe general condition of product, broken parts, sharp edges, small removable parts; has the product been repaired, where, when, how; were any parts removed or replaced; was the product assembled when purchased; was the product purchased or rented; where, when; if the product is electrical, was it plugged in at the time of accident, was it grounded and/or double insulated; describe the length of cord and its condition; include the product's brand name, serial number, date code, catalog or model number, etc.

ATTACHMENTS: Discuss exactly what is attached, what each attachment consists of (i.e., 12" x 12" piece of fabric, etc.), and any record of material identification (i.e., fire department report #xxxx). Also list the sample number for any sample collected.

921105CCC3049

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PRE-INCIDENT:

Information within this report was obtained from the victim's family's lawyer, medical examiner and police department. The product in question was examined at the lawyer's office. An exact product was purchased at a local store for observation and examination.

The eight month old female lived with her mother, father and a two year old sister. The victim prior physical or mental conditions are unknown. It is unknown if the victim was under the influence of medication at the time of the incident. Her weight and height are unknown.

The product involved is a bath seat. Date of purchase is unknown. According to the family's lawyer the unit was being used at the time of the incident by the victim.

The incident occurred at approximately 2130 hour, on May 29, 1992. According to the reports and the family's lawyer the incident occurred while the victim was bathing in the bathtub with her two year old sister. The reports states the father placed the victim in the bath seat inside the bathtub and left the room with both children in the tub. The report states the father went to the kitchen to make himself some dinner. Approximately five inches of water as in the tub.

INCIDENT:

Upon returning several minutes later, approximately five (5) minutes, the victim's two year old sister had gotten out of the bathtub. He walked into the bathroom to check on the victim. He observed her floating in the water.

POST-INCIDENT:

He removed the victim from the bathtub and attempted CPR. He called the Broken Arrow ambulance for help. They responded and transported the victim to St. Francis Hospital. She was admitted for treatment. She died eight days later. The cause of death was listed as pseudomonas pneumonitis due to near drowning. The death was ruled accidental. A case is pending against the father -one count of second degree manslaughter.

PRODUCT IDENTIFICATION/INFORMATION:

The product in question is a bath seat. The product is labeled and distributed under the Safety 1st label. The firm address is as follows: Safety 1st Inc. 210 Rowleson Street Chestnut Hill

921105CCC3049

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following safety information printed on the unit: WARNING
:PREVENT DROWING NEVER LEAVE CHILD UNATTENDED.

Unit collected at a local retail store has the same warning
information. The box labeling information reads as follows:

WARNING: To prevent drowning never leave child unattended in
tub! Not for use in tubs with non-skid surfaces. For ages 6
months and older.

STANDARD INFORMATION: Unknown

SAMPLE COLLECTED: 

R-862-7662.

EXHIBITS:

1. Copy of assignment document #UZH0728A12 with incoming
correspondence.
2. CPSC correspondence
3. Correspondence from Broken Arrow Police Department:
prosecution report, incident report, investigative report
medical examiner report, affidavit and news article.
4. Correspondence from lawyer's office
5. Photographs and negatives of the unit involved in the
incident.
6. Copy of Instructions sheet from the unit purchased
at local store.

CONTACT	REASON	RESULT
Law firm	product ID/scenario	same
Medical examiner	product ID/scenario	same

NON-PURGED

IDI NUMBER: 921105ULL3049

PRODUCT: Bath Seat

FIRM: Safety 1st Inc
Chestnut Hill, MA 02167

Walker

ACCIDENT INVESTIGATION REQUEST FORM

CET X

Document Number see attached UZ B 0728 A1

Date of Incident 5/29/92 Category I.D. SECTOR 1993

Follow-Up Requested Hazard Analysis Section 15

Type Follow-Up Requested Telephone Call On-Site

Headquarters Contact Renee Rauchschtalbe

Assignment Message Determine accident scenario.

Did caretaker notice warnings? What
action/precaution (if any) did caretaker
take in response to warnings? Obtain
product, if available, or photograph.

Person(s) to Contact ① Charles L. Richardson, Esq.
6846 S. Canton, Suite 200
Tulsa, OK 74136

② Parents / Caretaker of
Madison Patton

Guideline _____

UZ B 0728

Requested By RR

Task Number 9211050003049

Assigned to _____ Date ~~5/29/92~~ 11/5/92

Richardson, Meier & Stoops

Attorneys at Law

Gary L. Richardson
Gregory G. Meier
Fred E. Stoops, Sr.
Kevon V. Howald
Lance E. Houghtling
Raymond S. Allred
Charles L. Richardson
Dana C. Bowen
Timothy P. Clancy

6846 S. Canton, Suite 200
Tulsa, Oklahoma 74136
Telephone (918) 494-0007
In Okla. 1-800 456-2825
Fax: (918) 496-3991

October 19, 1992

Safety First, Inc.
210 Boylston Street
Chestnut Hill, MA 02167

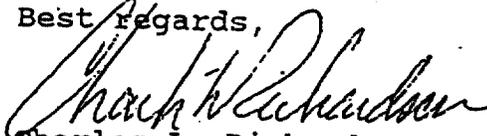
Re: Madison Patton

Dear Sir/Madam:

This is to advise you that the parents of Madison Patton intend to file a lawsuit against Safety First, Inc. for the drowning of their child, Madison Patton, on May 29, 1992. At this time, we are demanding that you notify your insurance company as to this death and that they contact this office in the immediate future.

I anticipate hearing from them or your company within the next couple weeks or I will take appropriate steps. Thank you for your prompt attention.

Best regards,


Charles L. Richardson

CLR/11g

92-1105 CCC 3049



U.S. CONSUMER PRODUCT SAFETY COMMISSION
DALLAS SATELLITE OFFICE

1100 COMMERCE ST., RM. 1C10, DALLAS, TX 75242 - (214) 767-0841

November 23, 1992

ALASKA
ARIZONA
ARKANSAS
CALIFORNIA
COLORADO
HAWAII
IDAHO
LOUISIANA
MONTANA
NEW MEXICO
NEVADA
OKLAHOMA
OREGON
TEXAS
UTAH
WASHINGTON
WYOMING
PACIFIC ISLANDS

Broken Arrow Police Department
P. O. Box 610
Broken Arrow, Ok 74012
Attention: Records Supervisor

Dear Records Supervisor:

RE: 921105CCC3049

The U. S. Consumer Product Safety Commission is an agency with the Federal Government who studies accidental injuries, death and fires. Information from this program helps make us aware of hazards to children and adults and aids us in preventing similar incidents from occurring to other persons.

We would appreciate a copy of your report/s on an incident involving Madison Patton, 1900 N. Desert Palm Street, Broken Arrow, OK on June 6, 1992. I understand the incident involved a swival bath set.

Your prompt assistance will be greatly appreciated. If there is a charge for the report, please call me before starting a copy (the best time to call is between 8AM and 4PM-Monday through Friday-214/767-0841). You may use the enclosed envelope to send a copy of the report.

The U. S. Consumer Product Safety Commission is authorized to conduct investigations and collect information under the Consumer Product Safety Act (Public Law 92-573, Oct. 27, 1992, as amended; 15 USC 2051n). Sharing of information is covered by 15 USC 2078. Thank you for your help in this matter.

Sincerely,

(Ms) Jerusha J. Walker
Investigator

Enclosure-Self addressed envelope



**OFFICE OF
CITY ATTORNEY**

Phone: (918) 251-5311
FAX#: (918) 251-6642

December 1, 1992

Ms. Jerusha J. Walker, Investigator
U.S. Consumer Product Safety Commission
1114 Commerce Street, Room 216
Dallas, TX 75242

RE: OPEN RECORDS ACT REQUEST
CASE #92-2575

921105 CCL 3049

Dear Ms. Walker:

This office is in receipt of your Open Record Act request. In response to your request, please be advised that under 51 O.S.24.A.8 (The Open Record Act), we are required to disclose only the following as to specific arrests:

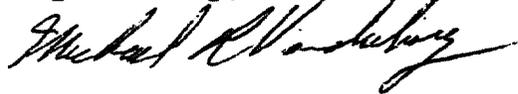
1. An arrestee description, including the name, date of birth, address, race, sex, physical description, and occupation of arrestee;
2. Facts concerning the arrest, including the cause of arrest and the name of the arresting officer;
3. Conviction information, including the name of any person convicted of a criminal offense;
4. Disposition of all warrants, including orders signed by a judge of any court commanding a law enforcement officer to arrest a particular person;
5. A chronological list of incidents, including initial offense report information showing the offense, date, time, general location, officer, and a brief summary of what occurred;
6. A crime summary, including a departmental summary of crimes reported and public calls for service by classification or nature and number;
7. Radio logs, including a chronological listing of the calls dispatched; and

Jerusha Walker/CPSC
December 1, 1992
Page Two

8. Jail registers, including jail blotter data or jail booking information recorded on persons at the time of incarceration showing the name of each prisoner with the date and cause of his commitment, the authority committing him, whether committed for a criminal offense, a description of his person, and the date or manner of his discharge or escape.

All other police information is not released under the Open Records Act. Therefore, I have included pages 1 - 3 of this report, the Investigative Report, page 1 of the Prosecution Report (pages 2 - 4 have been excluded), copies of newspaper articles concerning the incident, and the Report of Investigation by Medical Examiner. The remainder of the file has been excluded. This contains all of the information which is required to be released. I hope it is adequate.

Respectfully,



Michael R. Vanderburg
City Attorney

MRV/sje

921105LCL3049

BROKEN ARROW POLICE DEPARTMENT
PROSECUTION REPORT

DATE PREPARED: 06/17/92

CASE #: 92-2575

STATUS OF SUSPECT: Not In Custody

CRIME TYPE: Felony

VICTIM: Madison Patton (Eight (8) Months Old)

LOCATION OF OCCURRENCE: 1900 North Desert Palm, Broken Arrow, Tulsa County

DATE OF OFFENSE: 05/29/92

DATE REPORTED: 05/29/92

DETECTIVE ASSIGNED: Det. Marcus Fultz

EXHIBITS YES X NO PR# 0459-92

LAB ANALYSIS YES X NO

SUSPECT: ALLAN EUGENE PATTON, C/M, DOB/122064, SSN/440682794, 5'9"/150,
BRN/BRN, 1900 NORTH DESERT PALM, BROKEN ARROW, OK 74012, H/254-7920.

SUSPECT VEHICLE:

CHARGE(S): 2° MANSLAUGHTER (21 O.S.-716)

ARRESTING OFFICER DIVISION PHONE: 259-8400

INFORMATION: SEE ATTACHED WITNESS STATEMENT(S)

APPROVED: DECLINED:

COMMENTS: 921105CC 3049

PROSECUTOR: DATE:

CHARGES FILED:

OFFICER PREPARING REPORT: Det. Marcus Fultz

DIVISION COMMANDER: Lt. Paul Kroutter

BACIS

OFFENSE/INCIDENT
PROSECUTION
INVESTIGATION

BROKEN ARROW POLICE DEPARTMENT

GEO CODE 16 PAGE 1 OF 3

Broken Arrow Criminal Information System

CASE NUMBER
92-2575

PRIORITY
 FIELD INTERVIEW
 INJURY
 ORIGINAL OFFENSE
 SUPPLEMENT
 INCIDENT
 ARREST MADE
 NCIC ENTRY (STOLEN)
 JUVENILE SUSPECT
 NCIC CANCELLATION

CRIME TYPE DESCRIPTION: **CASUALTY ACCIDENTAL DROWNING** CHARGE CODE NUMBER: **M01-01**

LOCATION (STREET, CITY, STATE, COUNTY): **1900 N. DESERT PALM BROKEN ARROW, OK (TULSA)**

ON OR BETWEEN	MO	DAY	YR	DA-WK	TIME	AND	MO	DAY	YR	DA-WK	TIME	REPORTED PREPARED	MO	DAY	YR	DA-WK	TIME
	5	29	92	Fri	2130		5	29	92	Fri	2138		5	29	92	Fri	2215

CODE: **PR 12823** NAME OF INDIVIDUAL - LAST, FIRST, MIDDLE: **PATTON, ALLAN EUGENE**
 STREET ADDRESS, CITY, STATE, ZIP: **1900 N. DESERT PALM BROKEN ARROW, OK 74012**
 EMPLOYER/SCHOOL NAME: **UNEMPLOYED** HOME PHONE: **254-7920**
 DRIVER'S LICENSE NO.: **440882794** STATE EXP: **OK 1/95**

CODE: **VR 38859** NAME OF INDIVIDUAL - LAST, FIRST, MIDDLE: **PATTON, DAWN ROCHELLE**
 STREET ADDRESS, CITY, STATE, ZIP: **1900 N. DESERT PALM BROKEN ARROW, OK 74012**
 EMPLOYER/SCHOOL NAME: **SELF EMPLOYED** HOME PHONE: **254-7920**
 DRIVER'S LICENSE NO.: **466735164** STATE EXP: **OK 1/95**

CODE: **921105CCCL3049** NAME OF INDIVIDUAL - LAST, FIRST, MIDDLE: **[REDACTED]**
 STREET ADDRESS, CITY, STATE, ZIP: **[REDACTED]**
 EMPLOYER/SCHOOL NAME: **[REDACTED]** HOME PHONE: **[REDACTED]**
 DRIVER'S LICENSE NO.: **[REDACTED]** STATE EXP: **[REDACTED]**

CATEGORY: A-CASH B-JEWELRY C-CLOTHING D-LOCAL VEN E-OFF EQUIP F-TV STEREO G-FIREARMS H-HOUSEHOLD I-CONSUMER J-LIVESTOCK K-MISC
 TAKEN: [] RECOVERED: []
 INSURANCE CO. NAME: [] TITLE NO.: [] BROADCAST BY: [] DATE: [] CONDITION: []
 RECOVERED BY: AGENCY: [] OFFICER: [] ID NO.: [] LOCATION (STREET, CITY, STATE, ZIP): []
 VEHICLE STORED AT: NAME: [] LOCATION (STREET, CITY, STATE, ZIP): [] PHONE, A/C: []

TTY NOTIFIED: Name/Date/Time: [] OWNER NOTIFIED: Name/Date/Time: [] IDENTIFICATION NUMBER: [] VIN: [] HULL: [] PIN: [] GAN: []

LICENSE				VEHICLE DESCRIPTION			
YEAR	STATE	NUMBER	TYPE	YEAR	MAKE	MODEL	EST. VALUE

MISCELLANEOUS INFORMATION

STOLEN-S LOST-L RECOVERED-R FOUND-F IMBEZZLED-E DAMAGED-D OUTSIDE RECOVERY -OR

PROPERTY INFORMATION						
DISP	ITEM	CODE	QTY	SERIAL NUMBER	BRAND	VALUE

CASE NUMBER
92-2575

BROKEN ARROW POLICE DEPARTMENT
SUPPLEMENTAL & SUSPECT REPORT

CASE NO. 92-2575 DATE PREPARED 5-29-91 PAGE 3 of 3

BAPO ID 62813 BAPO MF VICTIM NAME (LAST, FIRST, MIDDLE) PATTON, MADISON LOCATION OF OCCURRENCE 1900 N. DESERT PALM

ORIGINALLY REPORTED NO. 5 DAY 29 YR 92 PREPARED BY [Signature] ID NO. 120/6041 APPROVED BY Sgt. C. [Signature] ID NO. 873063

CODE IV BAPO ID 62814 BAPO MF NAME (LAST, FIRST, MIDDLE) PATTON, MADISON AGE 9 MO HT WGT HAIR EYES RACE SEX C F
STREET ADDRESS, CITY, STATE, ZIP 1900 N. DESERT PALM BROKEN ARROW, OK 74012 DATE OF BIRTH 9-3-91 SOCIAL SECURITY NO.
EMPLOYER/SCHOOL NAME HOME PHONE DRIVER'S LICENSE NO. STATE EXP
EMPLOYER ADDRESS, CITY, STATE, ZIP BUSINESS PHONE OTHER PHONE

CODE VR BAPO ID 62815 BAPO MF NAME (LAST, FIRST, MIDDLE) PATTON, MALKENZIS RENEE AGE 2 HT WGT HAIR EYES RACE SEX C F
STREET ADDRESS, CITY, STATE, ZIP 1900 N. DESERT PALM BROKEN ARROW, OK 74012 DATE OF BIRTH 10-25-89 SOCIAL SECURITY NO.
EMPLOYER/SCHOOL NAME HOME PHONE DRIVER'S LICENSE NO. STATE EXP
EMPLOYER ADDRESS, CITY, STATE, ZIP BUSINESS PHONE OTHER PHONE

SUSPECT NO. BAPO ID BAPO MF NAME (LAST, FIRST, MIDDLE) DRIVER'S LICENSE STATE EXP
AKA-NICKNAME AGE-RANGE HT-RANGE WGT-RANGE HAIR EYES RACE SEX SKIN DATE OF BIRTH SOCIAL SECURITY NO.
ADDRESS, CITY, STATE, ZIP HOME PHONE BUSINESS PHONE
EMPLOYER/SCHOOL NAME, ADDRESS, CITY, STATE, ZIP CITATION/WARRANT NO. CHARGE
PERSONAL ORGITIES 9211050003049 TPD / PID
CLOTHING
VEHICLE TOWED HOLD Evidence Confiscation TAG-YR STATE NO. VIN
 Yes No None
VEN YEAR VEN MAKE VEN MODEL VEN STYLE COLOR TOP/BOTTOM MISC. IDENTIFIERS

SUSPECT NO. BAPO ID BAPO MF NAME (LAST, FIRST, MIDDLE) DRIVER'S LICENSE STATE EXP
AKA-NICKNAME AGE-RANGE HT-RANGE WGT-RANGE HAIR EYES RACE SEX SKIN DATE OF BIRTH SOCIAL SECURITY NO.
ADDRESS, CITY, STATE, ZIP HOME PHONE BUSINESS PHONE
EMPLOYER/SCHOOL NAME, ADDRESS, CITY, STATE, ZIP CITATION/WARRANT NO. CHARGE
PERSONAL ORGITIES TPD / PID
CLOTHING

DETAILS -
OFFICERS NOTES: UPON THIS OFFICER ENTERING THE HOUSE IT WAS FOUND IN A STATE OF EXTREME UNTIENESS AS WELL AS THE FRONT T.V HAD A NINTENDO GAME HOOKED UP AND IN OPERATION OF WHICH THE FATHER SAID HE WAS PLAYING - PRIOR TO FIVING THE NINTENDO ALSO

92-2575
5 of 3

BROKEN ARROW POLICE DEPARTMENT
INVESTIGATIVE REPORT

CASE #: 92-2575

VICTIM: Madison Patton

OFFENSE: 2° Manslaughter

LOCATION: 1900 North Dessert Palm

DATE OF OFFENSE: 05/29/92

DATE OF REPORT: 07/27/92

DETAILS: This investigator presented charges to the Tulsa District Attorney's Office, which was reviewed by Assistant D. A. Tim Harris. After a lengthy review with his staff and District Judges, it was determined that probable cause did exist to file one (1) count of 2° Manslaughter on Allen Patton, the father of the nine (9) month old victim. The information sheet indicates that the father, Allen Patton caused the death of his child by culpable negligence by leaving his child unattended in a bathtub and without parental supervision, which resulted in the drowning death of his child. Bond was set at \$25,000.00 on Case No. CF-92-3202. This investigator contacted the accused attorney, George Gibbs, who forwarded this information to Dan Holloway in Oklahoma City. Attorney Dan Holloway, B/405-235-8593, indicates that he is handling a product civil suit on behalf of the Patton family against the bathtub baby chair company responsible for the article, allegedly defective, and caused the death of the child. Dan Holloway indicates that he will contact a criminal attorney in Tulsa to handle legal matters of his client through the course of 2° Manslaughter proceedings. This case is:

EXC. CLEARED.

921105443049

tr1:07/27/92

INVESTIGATING OFFICER: Det. M. Fultz
#91/7319

APPROVED BY: *W. P. Kuntz* 5/10/95

NCIC ENTRY:

NCIC CANCELLATION:

//

ADD TO INDEX: #1 CF-92-3202

TTY ENTRY:

BY: *ST*

DATE: 7-27-92

TIME: 1:25

BY:

IN THE DISTRICT COURT WITHIN AND FOR TULSA COUNTY, STATE OF OKLAHOMA

STATE OF OKLAHOMA,)
)
 Plaintiff,)
 vs.) Case No. _____
 ALLAN EUGENE PATTON)
)
)
 Defendant(s).)

AFFIDAVIT

STATE OF OKLAHOMA)
) ss.
 COUNTY OF TULSA)

The undersigned, of lawful age, being first duly sworn, upon oath deposes and states as follows:

1. HE is a DETECTIVE FOR THE BROKEN ARROW POLICE DEPARTMENT

2. HE has read certain official investigative reports and statements of witnesses regarding the above named Defendant(s) and, from these statements and reports it appears as follows:

Officer John Zoller will testify that he is employed by the City of Broken Arrow in the capacity of a Uniform Patrol Officer and was so employed when he was radio assigned to respond to a possible drowning at a residence located at 1900 North Desert Palm, City of Broken Arrow, County of Tulsa. Upon arrival, he observed the victim's father, Allan Patton, standing in the street holding an infant and he observed Allan Patton, the father, applying CPR procedures to the infant as he held her in his arms, and he assisted the paramedics by placing the father and the infant into the ambulance and followed them to St. Francis Hospital. Officer Zoller received information from Allan Patton, the father, that he was the sole parent in the home at the time of the incident and that his two (2) year old daughter, Mackenzie and eight (8) month old daughter, Madison were placed into the bathtub of the residence. Allan Patton states that he placed his eight (8) month old daughter in a bath seat inside the bathtub and left the bathroom with both children in the water unattended. Mr. Patton stated to Officer Zoller that he went to the kitchen to make himself some dinner and upon returning several minutes later, approximately five (5) minutes, his two (2) year old daughter had gotten out of the bathtub. As he walked into the bathroom to check on the eight (8) month old, he observed the child floating in the water. Mr. Patton stated to Officer Zoller that he attempted CPR and called the Broken Arrow ambulance.

921105CC63049

(OVER)

WHEREFORE, affiant prays this Honorable Court to issue a warrant for the arrest of the within named Defendant(s), that he/she/they may be brought before a magistrate and held to answer for the offense(s) of

2nd MANSLAUGHTER (ENDURY TO CHILD) 21 O.S. - 716

M.P. July
AFFIANT

Subscribed and sworn to before me this 22ND day of JUNE 19 92

My commission expires JUNE 9, 1995

Dwight Lee
Notary Public

FINDING OF PROBABLE CAUSE

On this _____ day of _____ 19____ the above styled and numbered cause came on for hearing before me, the undersigned Judge of the District Court of Tulsa County, Oklahoma, upon the Affidavit of _____ requesting that a warrant of arrest be issued for the within named Defendant(s), that he/she/they might be arrested and held to answer for the offense(s) of _____

Based upon said Affidavit I am satisfied and do hereby find that the offense(s) of _____

has/have been committed and that there is probable cause to believe the within named Defendant(s) has/have committed said offense(s) and that a warrant of arrest should issue.

Dated this _____ day of _____ 19____

BOARD OF MEDICOLEGAL INVESTIGATIONS
OFFICE OF THE CHIEF MEDICAL EXAMINER

OSDH
92-2575

Central Office
901 N. Stonewall
Oklahoma City, Oklahoma 73117
(405)239-7141

Eastern Division
1115 West 17th St.
Tulsa, Oklahoma 74107
(918) 582-0985

OFFICE USE ONLY

Re. LM Co. _____

I hereby certify that this is a true and correct copy of the original document. Valid only when it bears imprint of the office seal.

By: NLM
Date: JUN 12 1992

REPORT OF INVESTIGATION BY MEDICAL EXAMINER

DECEDENT—First—Middle—Last Names (Please avoid use of initials)	Age	Birth Date	Race	Sex	Marital Status
MADISON PATTON	8 MO	9-3-91	W	F	S

HOME ADDRESS—No. Street, City, State	Occupation
1900 N. Desert Palm St. Broken Arrow, Ok.	Child

TYPE OF DEATH: (Check one only)		Unattended during fatal illness <input type="checkbox"/>		If motor vehicle accident, check one of the following: DRIVER <input type="checkbox"/> CYCLIST <input type="checkbox"/> PASSENGER <input type="checkbox"/> PEDESTRIAN <input type="checkbox"/>
While in penal incarceration <input type="checkbox"/>	Found dead without obvious cause <input type="checkbox"/>	*Under suspicious circumstances <input type="checkbox"/>		
After unexplained coma <input type="checkbox"/>	*Violent, unusual or unnatural <input checked="" type="checkbox"/>	*Means: Water		
During therapeutic procedure <input type="checkbox"/>				
Death possible threat to public health <input type="checkbox"/>				
Unattended stillbirth or by midwife only <input type="checkbox"/>				

EXAMINER NOTIFIED BY—NAME—TITLE (AGENCY, INSTITUTION, OR ADDRESS)	DATE	TIME
St. Francis Hospital PICU	6-6-92	1328

INJURED OR BECAME ILL AT (ADDRESS)	CITY OR COUNTY	TYPE OF PREMISES	DATE	TIME
1900 N. Desert Palm St. BA	Tulsa Co.	Dwelling	5-29-92	2130

LOCATION OF DEATH (ADDRESS OR NAME OF INSTITUTION)	CITY OR COUNTY	TYPE OF PREMISES	DATE	TIME
St. Francis Hospital.	Tulsa	Hospital	6-6-92	1317

BODY VIEWED BY MEDICAL EXAMINER AT (ADDRESS)	CITY OR COUNTY	TYPE OF PREMISES	DATE	TIME
DID NOT VIEW	-----	-----	-----	-----

DESCRIPTION OF BODY	RIGOR	LIVOR	EXTERNAL OBSERVATIONS	NOSE	MOUTH	EARS
EXTERNAL PHYSICAL EXAMINATION	Jaw <input type="checkbox"/> Complete <input type="checkbox"/>	Color _____	Clothed <input type="checkbox"/> Unclothed <input type="checkbox"/>	BLOOD		
	Neck <input type="checkbox"/> Absent <input type="checkbox"/>	Anterior <input type="checkbox"/>	Partly Clothed <input type="checkbox"/> Hair _____	FROTH		
	Arms <input type="checkbox"/> Passed <input type="checkbox"/>	Posterior <input type="checkbox"/>	Beard _____ Mustache _____	OTHER (Sand, dirt, water, etc.)		
	Legs <input type="checkbox"/> Decomposed <input type="checkbox"/>	Lateral <input type="checkbox"/>	Circumcised <input type="checkbox"/>	(cm) LENGTH _____ (kg) WEIGHT _____		
Significant observations and injury documentation—(Please use space below)			Eyes: Color _____	BODY HEAT: _____		
			Pupils: Opacities, Etc. _____			
			R _____ L _____			

921105 CCG 3049

X-RAYS TAKEN
ID. PHOTOS

Probable cause of death: <u>Pseudomonas Pneumonitis</u> <u>4th Nerve DROWNING EPISODE</u> <u>i.c. Anoxic Encephalopathy</u>	Manner of death: (Check one only) Natural <input type="checkbox"/> Accident <input checked="" type="checkbox"/> Suicide <input type="checkbox"/> Homicide <input type="checkbox"/> Unknown <input type="checkbox"/> Pending <input type="checkbox"/>	Case disposition: Autopsy: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Authorized by _____ Pathologist _____ Not a medical examiner case <input type="checkbox"/>
--	---	---

OFFICE OF CHIEF MEDICAL EXAMINER
1115 WEST 17TH STREET
TULSA, OKLAHOMA 74107

I hereby state that, after receiving notice of the death described herein, I conducted an investigation as to the cause and manner of death, as required by law, and that the facts contained herein regarding such death are true and correct to the best of my knowledge and belief.

L. J. Pittman
Signature of Medical Examiner

9209524

County of Appointment	Date
O.C.M.E.	6/9/92

Infant survives bathtub mishap

#92-2575

By DEBRA STINSON
Scout Writer

An infant who was found face down in a bathtub May 29 remained in critical condition Friday at St. Francis Hospital.

Broken Arrow paramedics responded in four minutes to a call from Allen Patton that his nine-month-old daughter, Madison, had drowned in the tub while bathing with her two-year-old sister at 9:38 p.m.

Police Det. Marcus Foltz said the infant was in the water for about five minutes. He measured five inches of water in the bathtub following the incident.

Madison had been sitting in a chair made to seat infants upright in the bathtub when her father left the bathroom, according to police.

Officer John Zoller escorted the ambulance to the house at 1900 N. Desert Palm Avenue. He said the father was in the street with the infant when

paramedics arrived.

Paramedic Robert Peters said the father was administering Cardio Pulmonary Resuscitation (CPR).

The infant was placed in the back of the ambulance where Peters continued administering CPR although cardiac monitors showed no heartbeat. During the six-minute trip to St. Francis, Peters continued to administer CPR without a heartbeat.

Paramedics reported three doctors were waiting to receive Madison when they arrived at the emergency room. Peters continued CPR while doctors administered medication.

Madison's heart beat was detected in the emergency room. She is in Pediatric Intensive Care Unit where she is in an induced coma to prevent brain swelling.

"She's in critical condition," a hospital spokesperson commented. "But she's still with

us."

Peters credits the 911 system for the child's success thus far.

"Time played a key role in this case," the eight-year member of the fire department said. "As soon as the call came in, we knew the address...and were able to reach the farthest point in our district in only four minutes."

He added it was 12 minutes from the time the call came in to when paramedics arrived at St. Francis.

"Everyone involved played a key role," ambulance driver and firefighter Mike Splain stated.

"We hope she has a 100 percent recovery."

Patton said he would inform those who assisted him the night of the incident of Madison's condition.

Based on this and similar experiences, the paramedics encouraged everyone to learn CPR.

92-1105-CC-3049

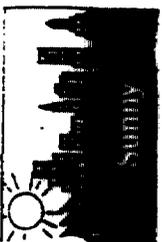


JUST IN TIME Paramedics Robert Peters (left) and Mike Splain transported nine-month-old Madison Patten to St. Francis Hospital in six minutes. The infant is in critical condition after almost drowning in the bathtub on May 29.

#92-2575

Broken Arrow

DET. MARCUS FULTZ
200 MUNICIPAL BLDG.
BROKEN ARROW OK 74013



Friday

HI - 90s

Low - 70s

DAILY LEDGER

Phone 258-6688 35¢

A Park Newspaper

Thursday, July 23, 1992

In daughter's drowning —

1 Section, 8 pages

Father faces manslaughter charges

By **SABRINA VALENTI**
Ledger Writer

Formal charges are pending against a Broken Arrow man following the death of an infant earlier this year.

Allan Eugene Patton currently faces one count of second degree manslaughter in connection with the drowning death of his 9-month-old daughter, Madison Patton, said Broken Arrow Police Det.

Marcus Fultz. The detective stated he was officially notified Wednesday morning that the Tulsa County District Attorneys Office would prosecute the case.

Fultz contends that although the case does not involve the intentional killing of a child, the father is accused of culpable negligence. He maintains the compelling information in a situation such as this one is routine.

It's a normal procedure. In the death of an infant or a person under the care of a guardian or a parent, the district attorney has the option to review the case.

According to the initial police report, Patton told investigators at the scene he was giving the baby and her 2-year-old sister a bath together on May 29 at about 9:30 p.m. He said he later left

the children alone in the bathtub while he went to the kitchen to make himself something to eat. When he returned he found Madison face down in the bathwater.

The child reportedly had been restrained in an infant bathseat in approximately five inches of water when her father left the room but she apparently had climbed out of the seat sometime during his absence.

When BA paramedic technicians arrived at the scene Patton was outside the home administering CPR (Cardio Pulmonary Resuscitation) in an attempt to revive his daughter.

The baby was rushed to St. Francis Hospital where she was listed in critical condition for several days prior to her death in the hospital's pediatric intensive care ward.

921105CCC3049

ITF 92/1050 3049

Safety 1st No.160

SWIVEL BATH SEAT

PLEASE READ THESE INSTRUCTIONS CAREFULLY

1. Place your new Swivel Bath Seat in tub so child can not reach faucets and spout.
2. Push down firmly so that all four suction cups adhere to bottom of tub. Lift gently to test - Swivel Bath Seat should not move. See Figure A
3. Lift Safety Lock and pivot seat to face away from tub knobs and spout. See Figure B
4. Re-lock by firmly pushing down Safety Lock. See Figure B Carefully slide child into your Swivel Bath Seat. To reposition, simply release lock, swivel and re-lock.
5. After bathing, lift child out of your Swivel Bath Seat before removing seat from the tub.

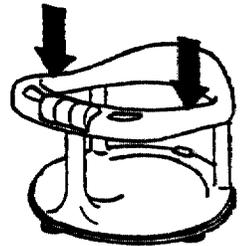


Figure A

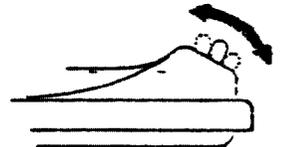


Figure B

NEVER LIFT SEAT WITH BABY IN PLACE

6. TO REMOVE SEAT, LIFT TABS ON SUCTION CUPS ONE AT A TIME WHILE GENTLY LIFTING SEAT BY CONVENIENT GRIPPER HANDLE. See Figure C

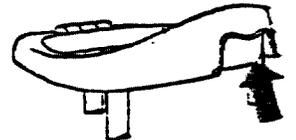


Figure C

WARNING:
PREVENT DROWNING
Never leave child
unattended in the tub!

NOTE: The Swivel Bath Seat is not for use on textured or non-skid surfaces.

I Δ I 9211050003049

Safety 1st No.160

SIÈGE DE BAIN PIVOTANT

**VEUILLEZ LIRE LES RENSEIGNEMENTS QUI SUIVENT
AVANT D'UTILISER VOTRE SIÈGE DE BAIN PIVOTANT**

1. Placez votre nouveau Siège de bain pivotant dans la baignoire de façon à ce que l'enfant ne puisse rejoindre les robinets.
2. Pressez fermement afin que les quatre ventouses à suction adhèrent au fond de la baignoire. Tirez doucement pour vérifier si le Siège de bain pivotant est bien fixé. Il ne devrait pas bouger. (Figure A)
3. Soulevez le loquet de sécurité et faites pivoter le siège jusqu'à ce que le dossier soit tourné vers les robinets. (Figure B)
4. Fixez le siège en position en pressant fermement sur le loquet de sécurité. (Figure B)
Glissez soigneusement l'enfant dans son Siège de bain pivotant. Pour changer la position du siège, vous n'avez qu'à soulever le loquet, faire pivoter le siège et refermer le loquet.
5. Après le bain, soulevez l'enfant hors de son Siège de bain pivotant avant de retirer le siège de la baignoire.

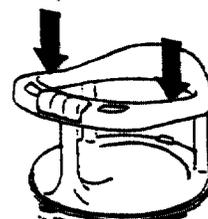


Figure A



Figure B

**NE JAMAIS SOULEVER LE SIÈGE
LORSQUE L'ENFANT S'Y TROUVE**

6. Pour retirer le siège, relevez une à une les tiges de dégagement rapide tout en soulevant doucement le siège par la poignée pratique. (Figure C)

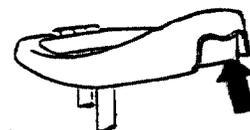


Figure C

**MISE EN GARDE:
POUR ÉVITER LES NOYADES**

**ne jamais laisser l'enfant
sans surveillance dans la
baignoire.**

NOTA: Le Siège de bain pivotant ne doit pas être utilisé sur une surface inégale ou antidérapante.

Richardson, Meier & Stoops

Attorneys at Law

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Gregory G. Meier
Fred E. Stoops, Sr.
Kevon V. Howald
Lance E. Houghtling*
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Autumn Oaks Building
6846 S. Canton Suite 200
Tulsa, Oklahoma 74136-3412
Telephone (918) 492-7674
In Okla. 1-800-456-2825
Fax: (918) 743-1925

November 17, 1992

Jerusha J. Walker
U.S. Government Consumer
Products Safety Commission
1114 Commerce Street, Room 216
Dallas, Texas 75242-1001

Re: Safety First

Dear Ms. Walker:

I appreciate your coming to Tulsa, Oklahoma to spend some time with me involving the incident surrounding the drowning of a child in a swivel bath seat. If I can be of any help in the future, I will be more than happy to supply you with any information needed. The family has shown great appreciation for you taking the time to come down and talk to me about the problems that they see with Safety First, Inc. They also would appreciate any steps that the Consumer Protection Products Safety Commission can take to alleviate the possibility of this happening in the future.

Again, I appreciate it and if I can be of any help, please call.

Best regards,



Charles L. Richardson
For the Firm

921105 CCL 3049

CLR:so

* Also licensed in Texas.

SAMPLE COLLECTION REPORT

[1. Flag [None		[2. Date Collected [January 12, 1993	[3. Samples type & number [[X] Physical R-862-7662 [[] Documentary
[4a. Product name [Bath seat	[4b. Model [1 60 P	[4c. NEISS [4021	[5. Assignment ref. [921105CCC3049
[6. Complete for import samples		[7. MIS [32626	[8. Hours: [a. Activity 1 [b. Travel 1
[a. Port of Entry : n/a	[b. Entry # & date : n/a	[c. Country of Origin: n/a	[d. HSUSA code : n/a
[e. Customs Contact : n/a	[9a. Home RO [FOER	[9b. Collecting RO [FOWR	
[10. Sample Cost [\$11.64	[11. Invoice value of lot [unk	[12. Size of lot [3 units:	
[13. Manufacturer/Importer [Safety First Inc [210 Boylston Street [Chestnut Hill, MA 02167 [ID#	[14. Shipper/Foreign Mfr. [Same as 13 [ID#	[15. Dealer/Import Broker [Wal-Mart Store [Wheatland and Cockrell Hill [Duncanville, Texas [ID#	
[16. Supporting documents attached:			
[a. Invoice # & date: None	[c. Shipping record # & date: None	[b. Date Shipped: None	[d. Affidavit signer's name, title & date: None
[17. Product Identification:			
[One blue plastic swivel bath seat with ring and legs and a seat.			
[18. Reason for collection & analysis needed: FHSAXXCPSCA_FFA_PPPA_RSA			
[Collected as a follow-up to document # UZB0728A1 and IDI 921105CCC3049.			
[19. Summary of Field Screening:			
[None			
[20. Sample Size, Method of Collection:			
[One unit collected at random from dealer's stock. Unit identified as in #21 and sealed as in #22. CPSC 165 attached.			
[21. Identification on sample ["R-862-7662,01-12-93,JJW"	[22. Identification on seal ["R-862-7662,01-13-1993,Jerusha J. Walker,Inv."		
[23a. Sample delivered to: HSHL via sample custodian- USPost Office	[23b. Date []	[24. Orig. report/records sent to: [] FOER	
[25. Laboratory/Office: HSHL [] HSHL [x] CRRM [] CBCA [] OTHER []			
[26. Remarks [Sample held under lock and key until officially sealed.			
[27. Related Samples None			
[28a. Collector's name, title & employee # [Jerusha J. Walker, Investigator, 8198	[28b. Collector's signature & date <i>Jerusha J. Walker</i> 01/13/1993		
[29a. Reviewer's name, title & employee # [Claude E. Tolbert, Supervisor, 8257	[29b. Reviewer's signature & date <i>C. E. Tolbert</i>		
Distribution: Orig [] Lab [] Fiscal [] Data [] Hdqtr [] Other []			

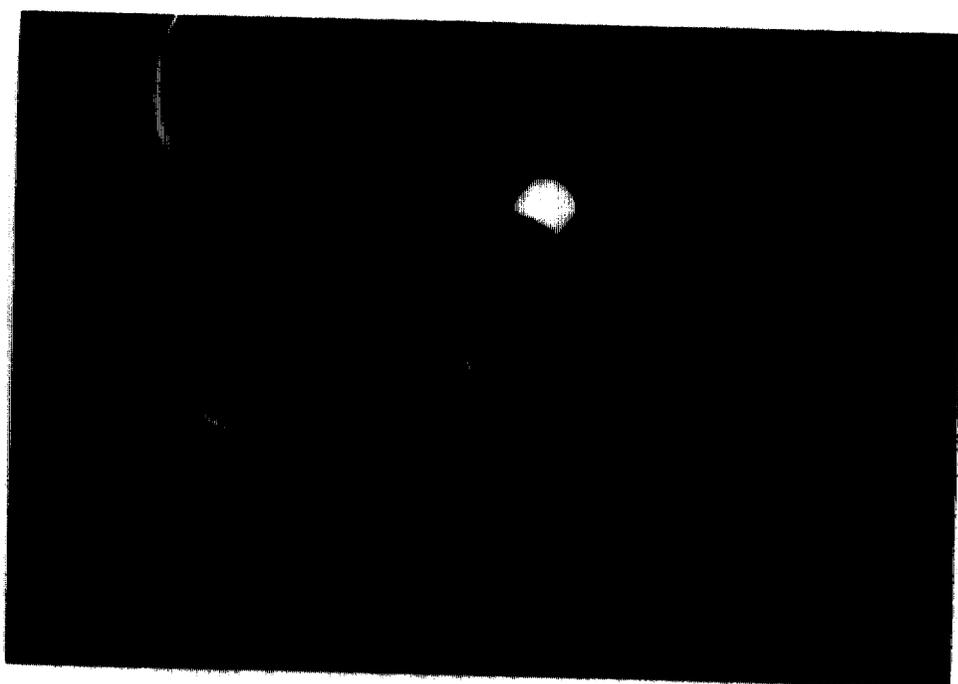
921105CCC3049
Infant Bath Seat



A view of the infant seat involved in this incident. The product was observed in the lawyer's office.

921105CCC3049

Infant Bath Seat



A view of the infant seat involved in this incident. The product was observed in the lawyer's office.

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8 AUG 1996

rec 8/16

1. CASE NO. 960708CCA5323			2. INVESTIGATOR'S ID 8 1 8 5		3. OFFICE CODE 8 3 0		EPIDEMIOLOGIC INVESTIGATION REPORT
4. DATE OF ACCIDENT YR MO DAY 9 6 0 7 0 2			5. DATE INVESTIGATION INITIATED YR MO DAY 9 6 0 7 1 1				

6. SYNOPSIS OF ACCIDENT OR COMPLAINT An infant, seven months and six days of age, allegedly accidentally drowned in a bathtub at her home. Her mother had been bathing the infant and left the bathroom for a towel. When left alone the infant was sitting, in a used bath seat, in the water in the bathtub. On her return the mother found the victim in a face-down position in the water in the bathtub. The victim's bath seat had turned over. The victim was taken to a hospital and pronounced "DOA".

7. LOCATION (Home, school, etc.) Home - Bathroom		8. CITY Grandview	9. STATE Missouri
---	--	----------------------	----------------------

10A. FIRST PRODUCT Infant's Bath Seat	11A. TRADE/BRAND NAME, MODEL NUMBER, MANUFACTURER & ADDRESS Brand: Safety 1st 210 Bayshore St. Chestnut Hill, MA Safety 1st Inc., Made In U.S.A. 02167
--	--

10B. SECOND PRODUCT Water In Home Bathtub	11B. TRADE/BRAND NAME, MODEL NUMBER, MANUFACTURER & ADDRESS N/A
--	--

12. AGE OF VICTIM 2 0 7	13. SEX (Use numerical code) MALE -1 FEMALE -2 UNKNOWN -3 2	14. DISPOSITION DOA At Hospital	15. INJURY DIAGNOSIS Submersion (Drowning)
----------------------------	---	------------------------------------	---

16. BODY PART All Parts Of Body	17. RESPONDENT(S) (Mother, Friend) Police, Medical Exam.	18. TYPE INVESTIGATION ON SITE 1 TELEPHONE 2 OTHER 3	19. TIME SPENT 1 6 0
------------------------------------	---	---	-------------------------

20. ATTACHMENTS MULTI	21. CASE SOURCE Newspaper	22. REVIEWED BY 8007	YR MO DAY 9 6 0 8 0 2
--------------------------	------------------------------	-------------------------	--------------------------

23. PERMISSION TO DISCLOSE NAMES (NON-NEISS CASES ONLY) CPSC MAY DISCLOSE MY NAME <input type="checkbox"/>		CPSC MAY NOT DISCLOSE MY NAME <input checked="" type="checkbox"/>
--	--	---

24. NARRATIVE (See instructions on Other Side)	25. REGIONAL OFFICE DIRECTOR REVIEW DATE
--	---

2/19/99
 [Signature]
 REGIONAL OFFICE DIRECTOR
 CPSC

(USE OTHER SIDE AND ADDITIONAL SHEETS IF NECESSARY)

8 AUG 1996

FIELD ACTIVITY COVERSHEET

1. REGION/STATE FOCR/Missouri		2. OPERATION (Check One) <input type="checkbox"/> Inspection <input type="checkbox"/> Establishment Visit <input type="checkbox"/> Telephone Contact <input checked="" type="checkbox"/> Investigation <input type="checkbox"/> Other _____		3. DATE 7/30/96 4. NUMBER (For FO Use) 960708CAA5323	
5. ESTABLISHMENT Name <u>Safety 1st Inc., Made In U.S.A.</u> Address <u>210 Baylston St.</u> City <u>Charlton Hill</u> State <u>MA</u> Zip <u>02167</u> Telephone No. <u>(617) 964-5778</u>					
6. RELATED FIRM <input type="checkbox"/> Parent <input type="checkbox"/> Headquarters <input type="checkbox"/> Subsidiary <input type="checkbox"/> Other _____ Name _____ City _____ State _____					
7. PRODUCTS COVERED <u>Used Infant's Bathtub Seat</u> <u>Water In Home Bathtub</u>			8. OTHER CONSUMER PRODUCTS _____ _____		
9. ESTABLISHMENT TYPE <input type="checkbox"/> Manufacturer <input type="checkbox"/> Importer <input type="checkbox"/> Wholesaler <input type="checkbox"/> Own Label Distributor <input type="checkbox"/> Retailer <input type="checkbox"/> Repackager <input type="checkbox"/> Other _____			10. ANNUAL PRODUCTION Product Covered \$ _____ Units _____ Other Products \$ _____ Units _____		
11. LS. BUSINESS % Received _____ % Shipped _____		12. SAMPLES COLLECTED None At This Time		13. MIS CODE 32626	
14. HOURS Activity <u>16</u> Travel <u>02</u>					
15. REASON FOR ACTIVITY (Assignment Reference) Investigation Requested By CAA As F/U To A Newspaper Clip No. X9673047A1 Submitted By The Kansas City Resident Office					
16. ANNOUNCED <input type="checkbox"/> Rationale for Announced Inspection UNANNOUNCED <input type="checkbox"/>					
17. EMPLOYEE'S NAME Harold E. Snyder		TITLE Senior Investigator Kansas City RP/FOCR		SIGNATURE <i>Harold E. Snyder</i>	
18. () ENDORSEMENT () REMARKS () SUMMARY () OTHER _____ This IDI was a F/U to a newsclip A 7 month old female drowned in a bathtub after her mother left her sitting unattended in a bath seat in the bathtub to get a towel. The mother was delayed by a phone call and when she returned she found the bath seat had over turned and her daughter was face down in the water. The bath seat, which had been purchased "used" by the victim's parents, was missing 2 of the 4 suction cups used to secure the seat to the bath tub floor. F/U: Refer to CCA (RR).					
19. REVIEWER'S NAME William E. Gentry		TITLE SPSP ATL SO/FOCR		SIGNATURE <i>W E Gentry</i>	
20. REVIEW DATE 8/2/96		21. DISTRIBUTION <u>FOCR (E/F)</u> O: EPDS, C: FOCR(IDI), CCA(RR), CS: BG, RF, HES			

PRE-ACCIDENT:

An infant, seven months and six days of age, purportedly accidentally drowned in a bathtub at her home.

Her mother had been bathing the infant, (i.e. victim), and she finished. She then left the bathroom to find a towel to dry the victim. When left alone the victim was sitting in a bath seat, facing the faucets, in the water in the bathtub.

On her return the mother found the victim in a face down position in the water in the bathtub. The victim's bath seat had turned over. The victim was transported to a hospital where she was pronounced "DOA".

The drowning incident occurred in the victim's family home which is one side of a duplex. The following family members were in the home when the victim's drowning incident occurred:

<u>Family Member</u>	<u>Date Of Birth</u>	<u>Age</u>
Father	5/22/76	20 years
Mother	1/14/70	26 years
Female Victim	11/26/95	7 months and 6 days

As noted, the victim's date of birth was 11/26/95. Her drowning incident occurred on 7/2/96. She was seven months and six days of age when she died. When this incident occurred the victim weighed about 13.3 pounds and was approximately 27.2 inches in length. She had no known physical or mental disability which contributed directly to her drowning on 7/2/96. At autopsy the victim appeared "well nourished". No evidence of child neglect or child abuse was reportedly found.

ACCIDENT:

During midday on 7/2/96 the mother decided to give the victim a bath. She turned on the faucets and ran water into the bathtub. The exact depth of the water is unknown, but a newspaper article reports the depth at four inches. The mother then placed a bath seat into the bathtub water and positioned the victim inside of this bath seat. The mother washed the victim for several minutes.

On completion of the victim's bath the mother left the bathroom to find a towel so she could dry the victim. This left the victim alone, sitting in the bath seat, facing the bathtub faucets.

A "short time" later the mother returned to the bathroom. She found the victim, in a face down position, in the water in the bathtub. The victim's bath seat had turned over.

POST-ACCIDENT:

The mother picked up the victim and checked her. The victim did not appear to be breathing.

While holding the victim the mother ran to the living room screaming for her husband who was sleeping on a couch. He awakened, took the victim, placed her on the couch and attempted CPR. He also told his wife to call 911.

Fire department personnel were the first to arrive at the home. The father was holding the victim. They took the victim and tried to resuscitate her, but were not successful. An ambulance then arrived and the victim was carried to the ambulance. Ambulance staff continued to try to resuscitate the victim. They were also not successful. They transported the victim to Research Belton Hospital where an emergency room physician examined the victim and pronounced her "DOA".

Subsequently, an autopsy was performed on the victim. The Jackson County Medical Examiner classified the victim's death as "DROWNING - ACCIDENT".

The Grandview Missouri Police Department is also investigating the victim's death. Presently, they are classifying the victim's investigation as an "open case". On completion of their investigation the police will prepare a report for the Jackson County Prosecutor who will make the final decision on whether any charges will be filed. To date, the prosecutor has not made a decision. She has requested local authorities to release only limited information and reports until she has made her decision.

A diagram of the incident site is included as attachment No. 1. This diagram is based on information and an informal site drawing prepared by a detective from the Grandview Missouri Police Department.

A photocopy of the responding officer's initial report was provided by the Grandview Missouri Police Department. This document is included as attachment No. 2.

The specific time the mother was out of the bathroom and the victim was alone in the bathtub has not been determined by the police. The responding officer states the victim's father was told by the mother she was out of the bathroom for only a "split second". However, during interviews with detectives the mother reportedly stated she may have been out of the bathroom for several minutes. She reportedly found a towel and while returning to the bathroom she answered a telephone, (i.e. see newspaper article included as attachment No. 6).

PRODUCT IDENTIFICATION:

The victim's father reportedly told the responding officer that they had obtained the incident bath seat only the day before. According to the father the victim's drowning occurred during her first use of this product.

I visited the Grandview Missouri Police Department. They permitted me to examine and take photos of the victim's bath seat. My investigation photos are included as attachment No. 3.

I saw the following labeling on the victim's bath seat:

1. Printed on arm of bath seat

"WARNING
PREVENT DROWNING
NEVER LEAVE CHILD UNATTENDED:"

2. Printed on underside of bath seat

"MADE IN USA
© 1989 SAFETY 1st INC.
ALL RIGHTS RESERVED
PATENT PENDING
CANADA ROAD 1990 SAFETY 1st INC.
OTHER FOREIGN PATENTS PENDING"

My measurements of the victim's bath seat provided the following:

Top Ring Dimensions

9 inches, (front-back)

9½ inches, (side-side)

Bottom Dimensions

11 inches, (front-back)

11½ inches, (side-side)

The total height of the victim's bath seat is approximately seven inches.

When initially sold by the manufacturer the victim's bath seat was reportedly equipped with four round non-skid components attached to its underside. Two were attached to the front and two were attached to the back.

However, when obtained used, by the victim's parents, only the back two non-skid components remained. The front two non-skid components had reportedly detached and had been lost.

Each of the four non-skid components is approximately the same size, about 2½ inches in diameter. Each appears made of a rubber-like material.

STANDARD'S INFORMATION:

No specific standard's information, regarding the victim's bath seat, was obtained during this investigation.

ATTACHMENTS:

- Attachment No. 1 Diagram of incident site where victim's accidental drowning purportedly occurred
- Attachment No. 2 Photocopy of responding police officer's report - Provided by the Grandview Missouri Police Department
- Attachment No. 3 Commission investigator photos showing the bath seat provided by the Grandview Missouri Police Department. They identified this bath seat as involved in the victim's drowning

Case No. 960708CAA5323
Office Code: 830

Investigator: 8185
Page 5

Attachment No. 4	Investigation Assignment Tracking Sheet
Attachment No. 5	Investigation Request Issued By Commission Headquarters
Attachment No. 6	Photocopy of newspaper article, on victim's drowning incident, submitted by the Kansas City Resident Office - Document No. X9673047A1 was assigned

INVESTIGATOR'S ADDENDUM:

If additional reports, from local authorities, become available on this incident they will be forwarded for inclusion with this report.

Additionally, should the victim's bath seat be released by police and the victim's family, the bath seat will be collected and submitted as a sample for hazard evaluation by the Division of Corrective Actions, (CAA).

PURGED

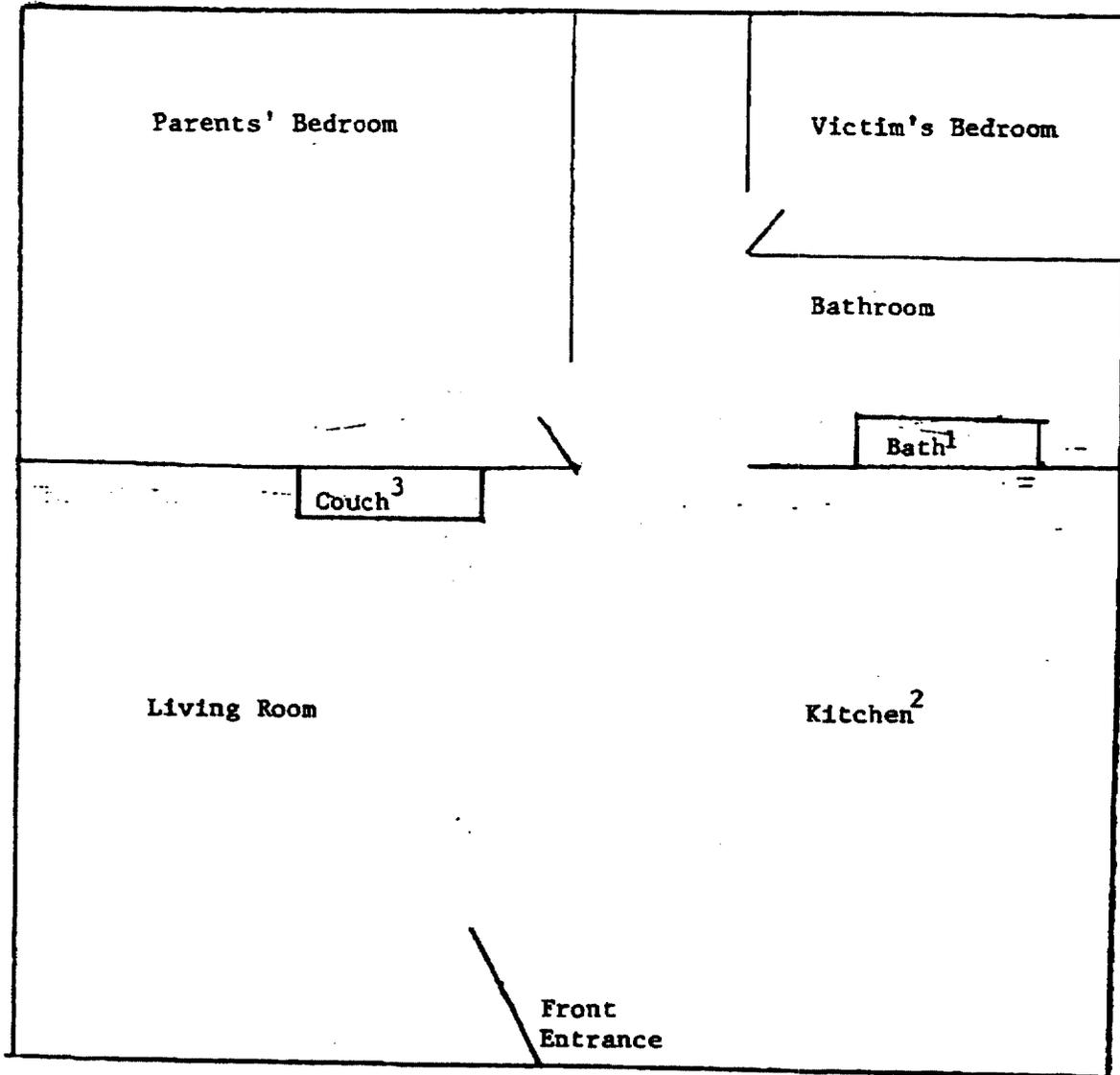
IDI NUMBER: 960708CAA5323

PRODUCT: Infant's Water In
Bath Seat Home Bathtub

FIRM: Safety 1st Inc. N/A

DIAGRAM OF INCIDENT SITE

(North)



(South)

- 1 Victim's position in the bathtub when incident occurred on 07/02/96. Victim was reportedly in a used bath seat facing toward the faucets of the bathtub.
- 2 Approximate position of mother when incident occurred.
- 3 Father sleeping on couch when incident occurred

7/03/96

GRANDVIEW POLICE DEPARTMENT
CASE: 96-7-00036

PAGE 1

Case Type: NON-CRIME CAS Status: ACTIVE Cross Ref:
Scheduled Review Date:
Reviewing Supervisor:
Offense Description 3103: DEAD BODY

INCIDENT NUMBER: GPD961840043

Place of Occurrence:
6110 152 TER A

Area: 216 Beat: 21 Shift: 1
Reporting Officer: VANBRUNT, RONALD G

Reported	Dispatch	Enroute	Arrived	Cleared	Occurred	From-To
7/02/96	7/02/96	7/02/96	7/02/96	7/02/96	7/02/96	7/02/96
12:38	12:38	12:38	12:48	14:43	12:22	12:22

Offense Description 3103: DEAD BODY

SUPPLEMENTAL INFORMATION

** NAME:

Involvement: VICTIM Party Number: 1
Name: [REDACTED] COLLEEN R
Addr: [REDACTED] GRANDVIEW MO
Drivers License Number: State: Class:
Date of Birth: 11/26/95
Officer Safety Hazard: NO Victim of Violent Crime Notif: NO
Race: WHITE Sex: FEMALE
Height: Weight:
Eye Color: Hair Color:

Involvement: WITNESS Party Number: 2
Name: [REDACTED] SHANNON L
Addr: [REDACTED] GRANDVIEW MO
Drivers License Number: State: Class:
Date of Birth: 1/14/70
Officer Safety Hazard: NO Victim of Violent Crime Notif: NO
Race: WHITE Sex: FEMALE
Height: Weight:
Eye Color: Hair Color:

Involvement: WITNESS Party Number: 3
Name: [REDACTED] JESSE
Addr: [REDACTED] GRANDVIEW MO
Bus Phone: Occupation: ITC PLASTICS
Drivers License Number: State: Class:
Date of Birth: 3/22/76
Officer Safety Hazard: NO Victim of Violent Crime Notif: NO

GRANDVIEW POLICE DEPARTMENT
CASE: 96-7-00036

7/03/96

PAGE 2

Race: WHITE
Height:
Eye Color:

Sex: MALE
Weight:
Hair Color:

** NARRATIVE:

R/O was dispatched to 6110 #A 152nd Terr. to meet asst. fire chief Steve Marr for information. Upon arrival R/O contacted Steve Marr who advised that elements of the Grandview fire dept. had been to that location on the report of an infant in total arrest. He advised that the infant apparently drowned in the bathtub and was presently being transported to Research Belton Hospital for further medical attention.

R/O also observed on hand were the above listed witnesses, who are the natural parents of the infant victim. Immediately upon R/O's arrival the mother of [REDACTED] arrived on the scene. She identified herself as [REDACTED], w/f, 7-16-56, 3201 Spring [REDACTED] Belton, MO, home phone 331-2401/work phone [REDACTED]. She then transported both [REDACTED] to Research Belton Hospital to be with their child and to assist in the admitting procedures.

R/O entered the residence which was standing open and noted that the living room area was in extreme disarray and cluttered; the same was noted throughout the residence. R/O checked the bathroom area of the residence and noted that the bathtub was wet but there was no water in it. In the center of the bathtub was a blue plastic infant seat which is apparently a bathing aid. R/O learned that the baby had apparently been in the bathtub at the time the accident happened. R/O was soon joined by Sgt. Bruce, radio 430, as well as Det. Sgt. Walker, radio 200. Sgt. Walker arrived at 1249 hours. After he was briefed on what was known at this time, he requested that a complete check of the residence be made for the presence of any other children who might be unattended. This was done with negative results. Sgt. Walker then took control of the scene.

R/O responded to Research Belton Hospital, arriving there at 1317 hours. Shortly after arriving R/O was advised by the attending ER physician, [REDACTED], that resuscitation efforts had ceased and he was pronouncing the victim dead.

R/O then made contact with firefighter/paramedic Ron High, as well as firefighter Don Smith, who were the ambulance personnel who transported the victim to the hospital. R/O learned from them that the baby exhibited no signs, however they immediately commenced CPR and did so while en route to the hospital. Upon questioning the medical personnel further, it was learned that immediately upon their arrival in the ambulance they were met outside of the residence by the responding firefighters in pumper #2 who had the baby with them. They immediately put the baby in the ambulance and began CPR efforts. They advised they did not go inside the residence.

R/O was finally able to talk with the victim's father [REDACTED]. R/O learned from Mr. [REDACTED] that at the time the accident occurred he was asleep on the couch in the living room. He stated that he works at ITC Plastics located on 154th Terr. and works the third shift. He had gotten off at 7:30 that morning and laid down at

7/03/96

GRANDVIEW POLICE DEPARTMENT
CASE: 96-7-00036

PAGE 3

approx. 8:00 on the couch in order to sleep. He stated he was not aware of anything until he was awakened by his wife screaming. He advised that when he awakened she was in the living room holding the baby. He noted that the baby's face was extremely white and her lips were a pronounced state of blue. He stated that his wife advised that she had found the baby under water in the bathtub while giving the baby a bath. She stated she had left the bathroom area for a "split second" in order to get a towel to dry the baby off and upon returning to the bathroom she discovered the baby's face down in the water. He stated he then took the infant, laid it on the couch and attempted CPR, also advising the baby's mother to contact 911 for emergency rescue. He stated that he was not aware of who exactly called 911, but was aware of the fact that the ambulance had been summoned. He stated that upon arrival of the responding firemen, they immediately initiated CPR while the baby was on the couch. He stated that when the ambulance pulled up in front of the residence they ran with the child to the ambulance for further medical efforts.

R/O asked about the blue plastic infant chair that was located in the bathtub. [redacted] advised that they'd just gotten that baby seat the day before and today was the first time they had ever used it. He stated to his knowledge it merely sits on the bottom of the bathtub and is not particularly fastened down in any way. He said it was his understanding from his wife that somehow the baby had turned the chair over while the baby was inside the chair and that's how the baby came to be under water.

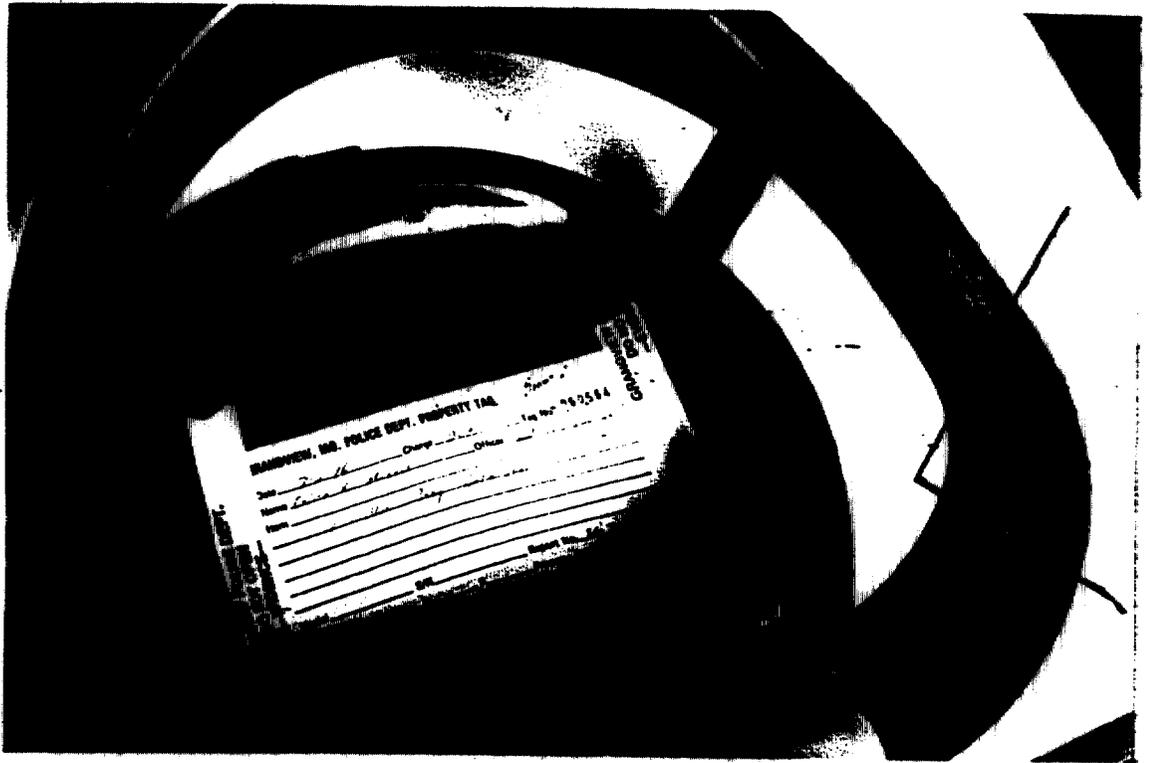
R/O did not question [redacted] any further due to him being extremely distraught. R/O did not question SHANNON WALTERS at all as she was being questioned by Det. VanWinkle. R/O left the hospital and went to the #2 fire house in order to talk with firefighter Stark and fire apparatus operator Roberts who were the first responding firemen to the scene. Roberts advised that upon arrival and making entry into the residence he observe the baby's father [redacted] sitting on the floor with his back against the couch holding the baby. He stated he didn't remember seeing exactly where [redacted]

[redacted] was, but was aware of the fact that she was inside the residence somewhere. He stated he immediately went to the baby, observed it's lifeless condition and initiated CPR efforts, along with firefighter Stark. He stated that upon initiating CPR they were able to get some water, apparently from the baby's lungs, and noted that it was mixed with blood. They stated that shortly after beginning CPR they observed the arrival of the ambulance and they immediately carried the baby to the ambulance where there was more equipment available to continue resuscitation efforts. FAO Roberts noted that the baby's hair was damp, however the baby's body, which was totally nude, seemed to be dry. He stated that the baby was transported to the ambulance and subsequently to the hospital without delay. He stated he did not have any conversations with either JESSE MORRIS or [redacted]. He was unfamiliar with the exact circumstances as to how the accident occurred.

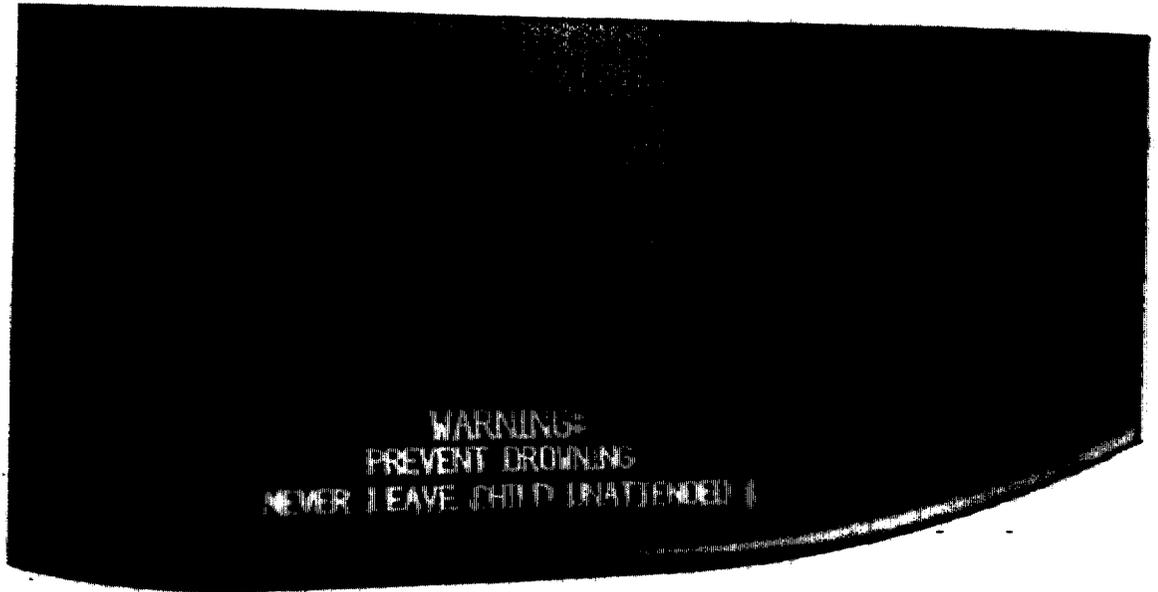
R/O then returned to patrol. (ism)

CPSC Investigator Photo One: Top view of infant bath seat allegedly involved in the victim's incident on 07/02/96.

See photo two for close-up of the labeling which can be seen on one arm of this infant bath seat, (i.e. right side of photo one).



CPSC Investigator Photo Two: Close-up showing the warning labeling printed on one arm of the infant bath seat allegedly involved in the victim's incident on 07/02/96.

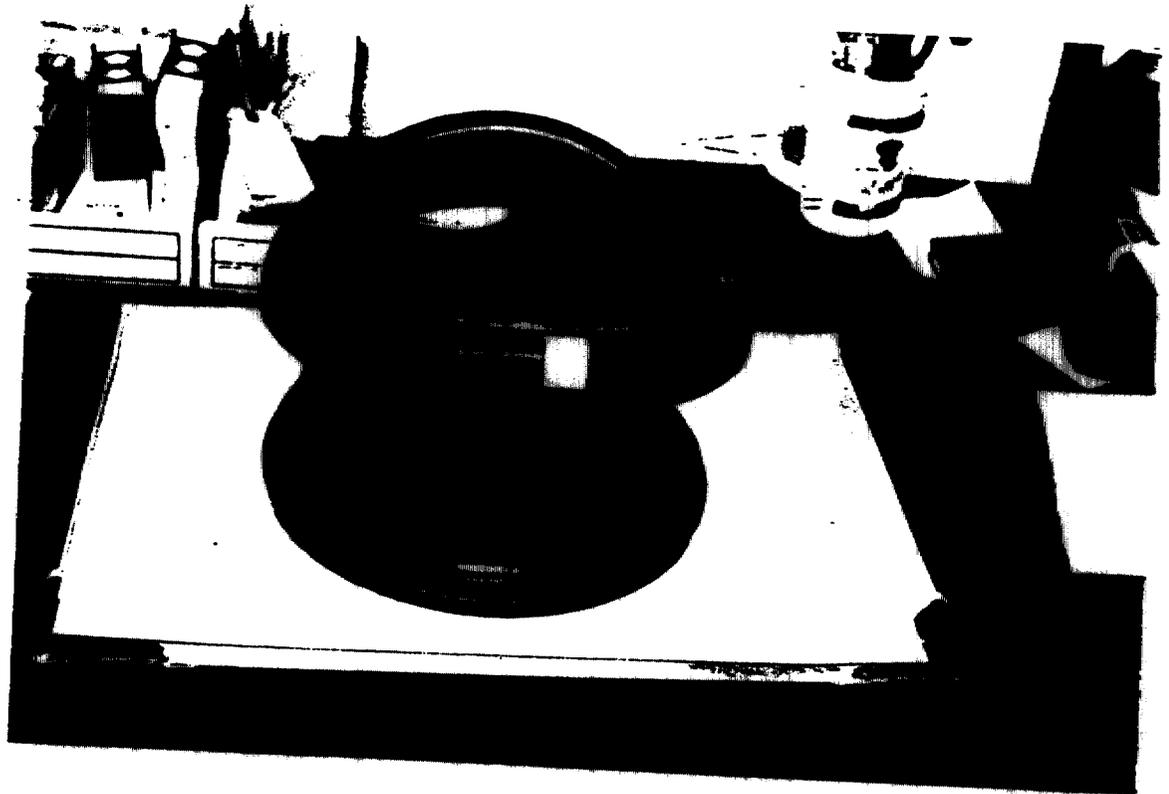


CPSC Investigator Photo Three: Front view of infant bath seat allegedly involved in the victim's incident on 07/02/96.

Infant bath seat's dimensions:

<u>Top Component</u>	<u>Bottom Component</u>
9" (Front-Back)	11" (Front-Back)
9½" (Side-Side)	11½" (Side-Side)

The infant bath seat is about seven inches in height.

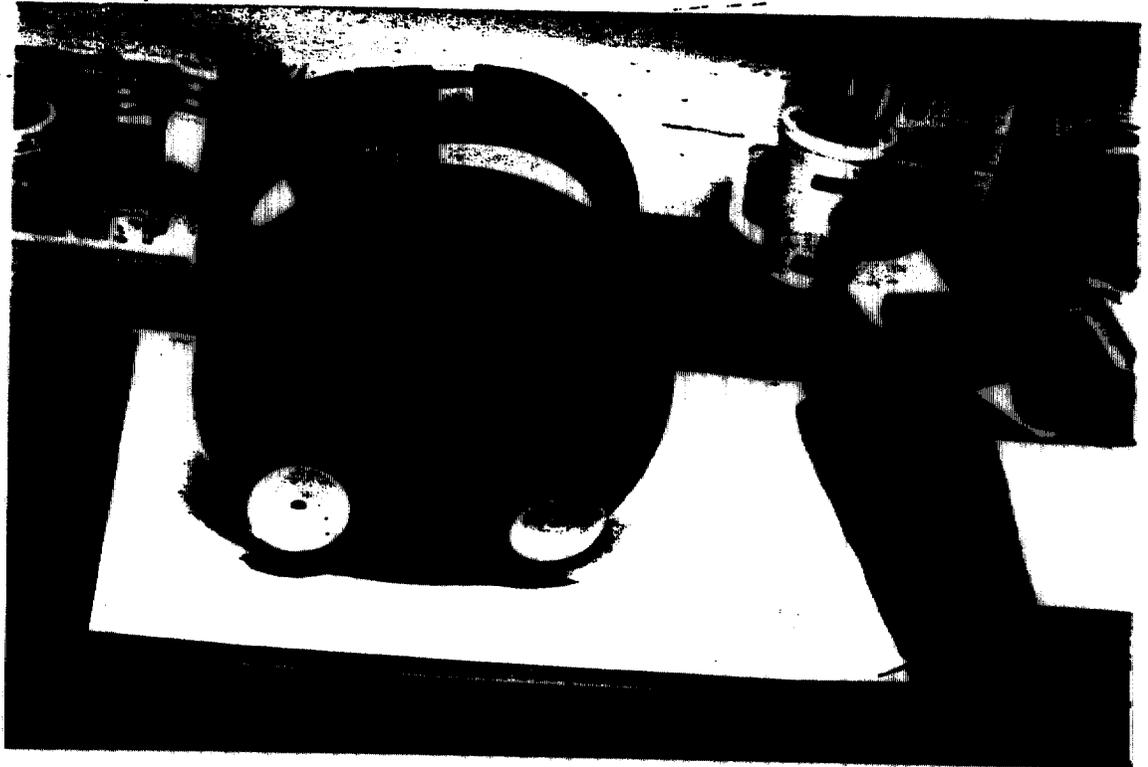


CPSC Investigator Photo Four: Shows underside of infant bath seat allegedly involve in the victim's incident on 07/02/96.

When initially sold by the manufacturer this infant bath seat was reportedly equipped with four round non-skid components attached to its underside. Two were attached to the front and two were attached to the back.

However, when obtained used by the victim's parents only the back two non-skid components remained. The front two non-skid components had reportedly came off and been lost.

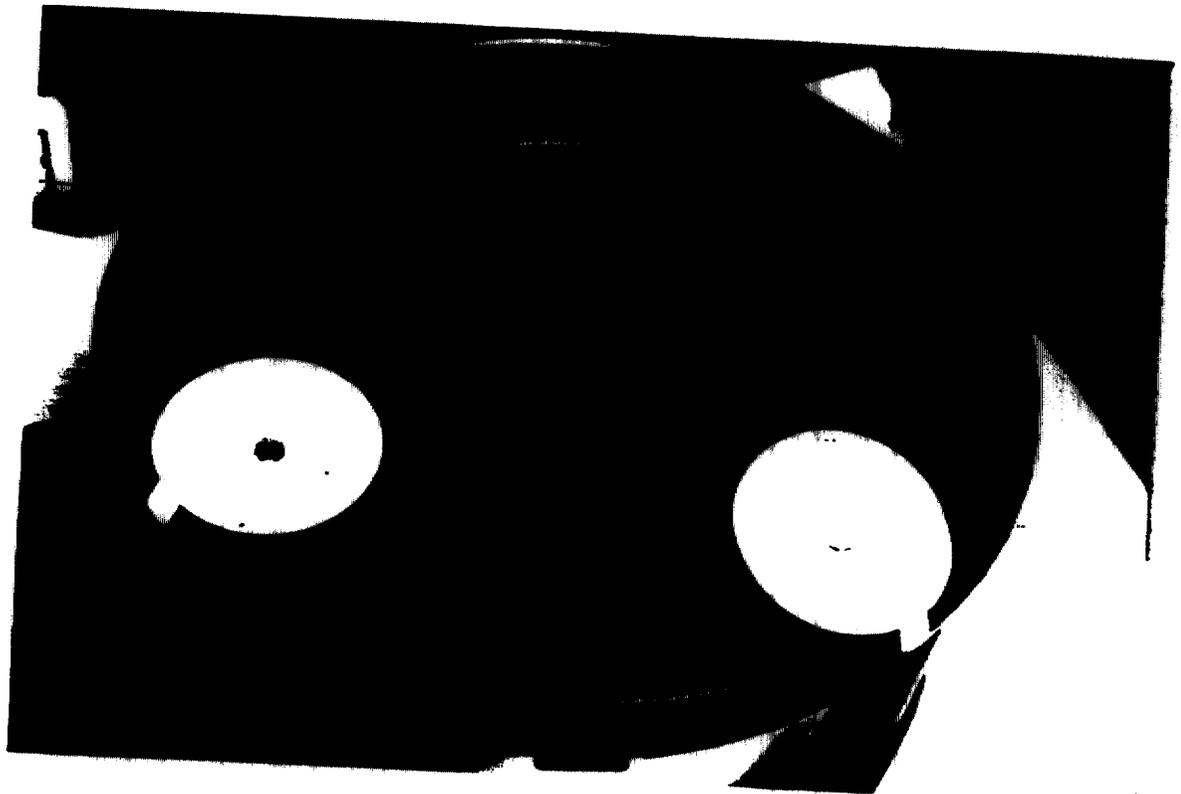
Each of these non-skid components is approximately 2½ inches in diameter.



CPSC Investigator Photo Five: Second view of the underside of the infant bath seat allegedly involved in the victim's incident on 07/02/96.

The following labeling is printed between the two back round non-skid components:

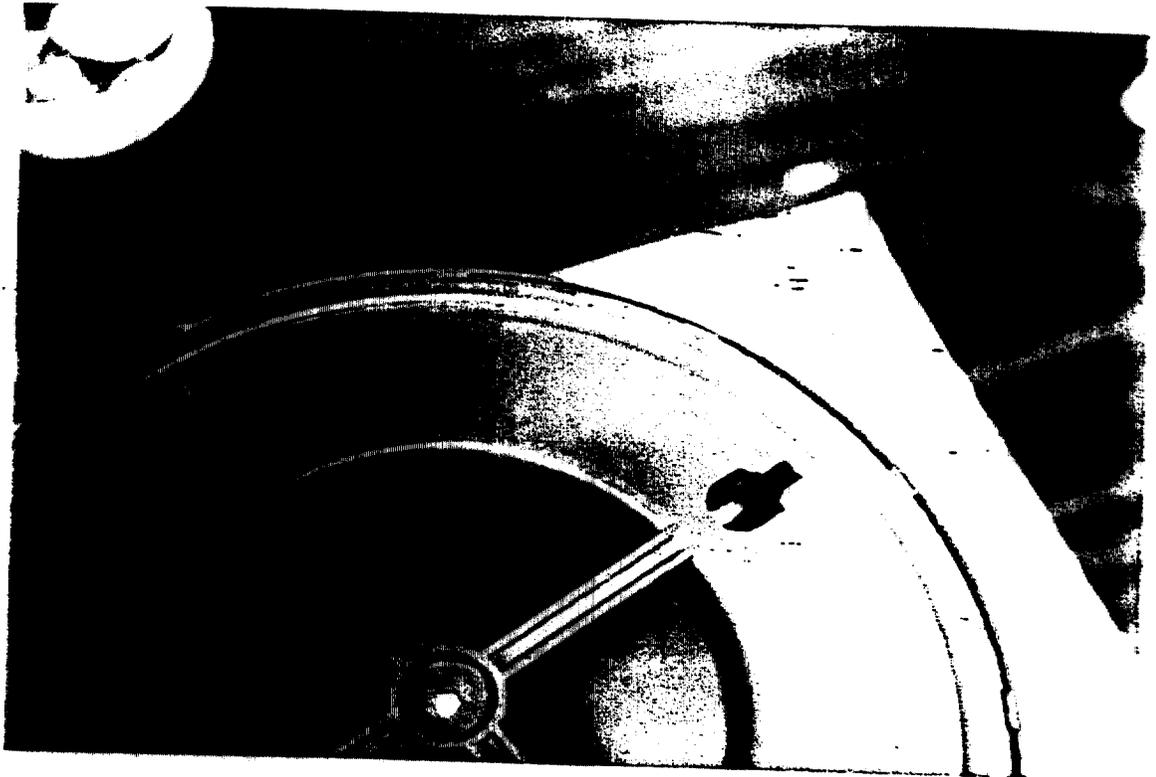
"MADE IN USA
C 1989 SAFETY 1st INC.
ALL RIGHTS RESERVED
PATENT PENDING
CANADA ROAD 1990 SAFETY 1st INC.
OTHER FOREIGN PATENTS PENDING"



CPSC Investigator Photo Six:

Close-up of attachment points, on front of the victim's infant bath seat, for two of the round non-skid components. As can be seen these two round non-skid components are missing and were reportedly missing at the time of the victim's incident on 07/02/96.

As previously reported, the victim's parents obtained this bath seat, used, with the front two non-skid components missing.



High Priority

Case No. 960708CAA5323
Office: 830 Invest: 8185
Attach. No. 4

PT U

IDI ASSIGNMENT TRACKING SHEET 44d

- 1. ASSIGNMENT # 960708CAA5323 2. INVEST 8185 3. SUP. 8007
- 4. DATE ASGD 7/9/96 5. TARGET * 7/31/96 6. UPDATE _____
- 7. ASGN TYPE 08 8. MIS 32626 9. ACTIVITIES _____
- 10. NAME [REDACTED] 11. LOCATION Grandview MO
- 12. PRODUCT infant bath seat 13. DOC # X9673047A1
- 14. HIA REF SECTIS 15. STATUS _____ 16. LAST REV (GENERATED)
- 17. REGION C
- 18. DATE COMPLETED 7/30/96 19. TIME 16 Hrs. 20 TRAVEL -02 Hrs.
- 21. REMARKS DOT 960702

ADDITIONAL REMARKS AND DIRECTIONS (NOT IN COMPUTER RECORD)

See HQ assignment message. Follow
guidelines to extent possible/practical.

If NOK will allow, conduct on-site and
reinspect incident using a doll and document
via photos. Collect infant seat
involved as sample for CCA evaluation.
Prod ident/info critical.

* NOTE: Provide weekly update via E-mail
on progress. Notify me immediately if
there are unavoidable or unresolvable
delays (ie no info until police investigation
completed, etc)

ACCIDENT INVESTIGATION REQUEST FORM

DOCUMENT NUMBER: *X9673047A1*
DATE OF INCIDENT: *7/2/96* CATID: SECT15 1996
FOLLOW-UP REQUESTED HAZARD ANALYSIS () SECT 15 (X)
TYPE FOLLOW-UP TELEPHONE () ON-SITE (X)
HEADQUARTERS CONTACT: Renee Rauchschalbe 504-0608 x1362
Marc Schoen 504-0608 x1365

ASSIGNMENT MESSAGE: Please complete the investigation using the Investigation Guideline. It is very important to establish the detailed sequence of events in these incidents including the infant's position during the incident and the use of any bath rings, seats, or infant bathtubs. Exact age of infant (DOB and date of incident) needs verification and determine length of time between when child was last observed as fine until he/she was discovered submerged.

For fatal incidents, please interview any parents or caregivers for the detailed sequence of events to the extent possible. If the state does not allow contact with the next-of-kin in a fatal incident, collect all official documentation including coroners or medical examiners reports, paramedics report, police investigation, social worker's report, and any medical treatment records.

Person(s) to Contact: *Police*
Parent/Guardian

→ Guidelines: 110 Bathtub Incidents Involving Children <18 Months Old

Task Number: *960708CAA5323* Date: *7/8/96*
Assigned to: *CH10* Requested by:

3/4

To: Bill Gentry, SPSI/ATL SO

X9673047

C-2 Thursday, July 4, 1996
The Kansas City Star

OVERVIEW
Baby drowns

Police are investigating the death of a 9-month-old girl who drowned while being bathed Tuesday in Grandview. Police identified the girl as [REDACTED]

The mother was bathing the girl shortly after 12:30 p.m. in their home in the 6100 block of East 152nd Terrace. The baby was in a child's bath seat in the bathtub.

The mother told police she left the room to get a towel and answered the phone as she was returning to the bathroom. She set the phone down, walked into the bathroom and saw that the baby chair had flipped over. Her daughter was face down in about four inches of water.

The woman's screams woke her husband and alerted the neighbors, who dialed 911. The parents tried to revive the girl with CPR until an ambulance arrived and took the girl to Research Belton Hospital, where she was pronounced dead.

960708CAA 5323

START

4/4



AUTOMATIC TELEFACSIMILE TRANSMISSION FORM

1.	FROM: <u>Harold Snyder</u> <small>(Name)</small>	<u>Kansas City RP/FOCR</u> <small>(Organization Code)</small>
2.	TO: <u>Terri Rogers,</u> <small>(Name)</small>	<u>CCA</u> <small>(Organization Code)</small>
3.	NUMBER OF PAGES TRANSMITTED	<u>1 + Cover</u>
4.	TRANSMITTED BY <u>H. Snyder</u> <small>(Name)</small>	<u>1 + Cover</u> <small>(Date)</small>

IMPORTANT! Before transmitting any documents to automatic telefacsimile equipment, please provide the requested information in Boxes 1-4. This information is required by the receiving office to properly route incoming documents.

Note To Terri:

This newspaper article is faxed for your information. A copy has also been faxed to Bill Gentry, SPSI/ATL SO.

Do you want a follow-up investigation? Please send your "Request For Investigation" to Chicago, (FOCR) - Attention: Bill Gentry, SPSI/ATL SO.

Thank you.

SECRET

7 JAN 1997

**EPIDEMIOLOGIC
INVESTIGATION
REPORT**

7. CASE NUMBER 960924CCC5643	2. INVESTIGATOR'S ID 8057	3. OFFICE CODE 800
4. INCIDENT DATE YR MO DAY 96 05 18	5. DATE ICI INITIATED YR MO DAY 96 11 12	

6. SYNOPSIS OF INCIDENT OR COMPLAINT: A one year old male died of bronchial pneumonia following a near drowning in his home bath tub when the victim tipped over his bath seat and his head was submerged in 8" of bath tub water.

7. LOCATION HOME 10	8. CITY LYNN HAVEN	9. STATE Florida FL
------------------------	-----------------------	------------------------

10A. FIRST PRODUCT BABY BATH SEAT 1557	11A. TRADE/BRAND NAME, MODEL NUMBER, MANUFACTURER & ADDRESS SAFETY 1ST INC 200 Boylston St. Chestnut Hill, MA 02167 1-800-962-7233 (617) 964-7744
--	--

10B. SECOND PRODUCT BATH TUB 0611	11B. TRADE/BRAND NAME, MODEL NUMBER, MANUFACTURER & ADDRESS UNK
---	--

12. AGE OF VICTIM 212	13. SEX MALE 1	14. DISPOSITION FATALITY 08	15. INJURY DIAGNOSIS SUBMERSION 69
--------------------------	-------------------	--------------------------------	---------------------------------------

16. BODY PART ALL 85	17. RESPONDENT(S) OFFICIALS 3	18. INVESTIGATION TYPE OTHER 3	19. TIME SPENT 1 0 0
--------------------------------	---	--	-------------------------

20. ATTACHMENTS * MULTIPLE 9	21. CASE SOURCE CORONER-DEATH CERT 12	22. REVIEWED BY - - - -	YR MO DAY - - - -
--	---	----------------------------	----------------------

23. PERMISSION TO DISCLOSE NAMES (NON-NEISS CASES ONLY)
CPSC MAY DISCLOSE MY NAME ___ CPSC MAY NOT DISCLOSE MY NAME X

24. NARRATIVE (See instructions on Page 2)	25. REGIONAL DIRECTOR REVIEW DATE 12-30-96
--	--

MFR/PRVLR NOTIFIED 2/3/99
No Comments filed
Comments attached
Excisions/Revisions
Firm has not requested
further action

(USE ADDITIONAL SHEETS IF NECESSARY)

960924CCC5643

NOTE:

This investigation was limited, by assignment, to official records only. Information for this report was compiled from the Police report and the medical examiner's report.

PRE-INCIDENT:

At approximately 9:05 A.M. the police responded to a residence where a one year old male was unresponsive in a bath tub. The report indicates the victim's mother had placed the victim in a bath seat, in the bath tub containing approximately eight inches of water. The report indicates the mother then left the victim in the bath tub for "several" minutes while she attended to her two other children.

INCIDENT:

Upon returning to the bath room, the victim's mother found that the bath seat had tipped and her son's head was under approximately eight inches of water.

POST INCIDENT:

The victim's mother then picked up the victim and took him to her neighbor's house where the neighbor called 911 and started CPR. At that time the child was unresponsive.

The EMT arrived and was able to resuscitate the victim. The victim was transported to a local hospital and then air lifted to a children's hospital where the victim died approximately 52 hours after the original incident. The death was listed as cerebral edema and bilateral hypostatic pneumonia associated with the previous near-drowning in the bath tub.

PRODUCT DESCRIPTION:

The seat is described in the police report as a swivel seat, 4 suction cups, blue in color, approximately 8" high and 12" wide. The seat is marked, according to the police report as, 'Made in the USA, 1989 Safety 1 st, Inc. U.S. Pat 5,010606 & 5158,460****'.

Photographs were taken of the seat by the police department people and I have requested a copy of the photographs.

960924CCC5643

APPENDIX 110 RESPONSE:

The following responses follow chronically the information requested in the guidelines. Due to the limited nature of the report and assignment, the report will not cover all responses. The following may not have been addressed in the body of the report.

The reports do not state that the suction cups unexpectedly released, nor does the report address any entrapment within the bath seat.

There is no mention of the victim climbing out of the bath seat.

The autopsy shows the victim was 31" long, the weight was not given. the race is White.

It is not known if the neighbor was certified in CPR.

The police report indicates the incident occurred at approximately 9:05 A.M. 5/18/96. The medical examiner's report indicates the victim received initial treatment at a local hospital and was transferred to a children's hospital where on 5/20/96, the child developed an asystole and was pronounced dead at 1335 on 5/20/96.

STANDARDS:

There are no current CPS standards for baby seats.

SAMPLES COLLECTED:

None- photographs were taken by the police dept and have been requested. Any photographs received will be supplemented to this report upon receipt. *(photos attached)*

EXHIBITS:

The following exhibits are attached:

Exhibit 1- Copy of the Police Department report

Exhibit 2- copy of the medical examiner's report

960524005643
CYHUSP 1

The following investigation was conducted by Capt. Dennis L. Kiah, an Investigator with the Lynn Haven Department of Public Safety, reference LHDPS Case #96051356, Accidental Drowning.

On 05-20-96 Bob Grant, an Investigator with the Medical Examiner's Office in the First Judicial Circuit, called to advise that the ~~Wetherbee~~ baby was pronounced dead at 1:35 PM in Pensacola, Sacred Heart Hospital, by Dr. Rex Northup.

Grant advised that an autopsy will be conducted on 05-21-96 by Dr. Fenner McConnell, time to be announced later. Grant left an office number of (904) 474-7200, a home number of (904) 476-4244 and pager of (904) 444-3007 (office fax number (904) 969-6475).

Grant requested that copies of the police report be faxed to their officer which was done by Records Clerk Beverly Gilchrist of the Lynn Haven Department of Public Safety.

On 05-21-96 at 8:00 AM this writer phoned Grant's Office to make sure he had received the reports and determine if any other information is needed. Grant advised that he had in fact received all of the reports he needed and would either call me with the results of the autopsy this afternoon or tomorrow, 05-22-96.

On 05-22-96 this writer made contact with Dr. Fenner McConnell, Medical Examiner of the First Judicial Circuit in reference to the outcome of the autopsy on the Wetherbee baby. Dr. McConnell advised the actual death of the child was caused by bronchial pneumonia, however, it will be listed as an accidental drowning due to the nature of the incident, as the child actually died after being revived from the drowning incident.

Dr. McConnell requested information on the product that the child was seated in at the time of the drowning and photos of the product, as there is a possibility of civil proceedings with the product and he will need to inform the manufacturer of this incident.

This writer requested that PSO III Bruce Lewis make contact with the child's family and obtain information on the product as to who the manufacturer is and even secure the seat as possible evidence should civil proceedings take place. Unable to obtain the information at this time as the family is staying with other family members until after the funeral of the child.

On 05-23-96 PSO III Lewis brought the seat to the Lynn Haven Department of Public Safety for photographing and safe storage. Sgt. Morrison took possession of the chair. He also photographed the seat for the Pensacola Medical Examiner's Office.

The seat markings are as follows: Made in the USA, 1989 Safety 1st, Inc., U.S. Pat 5,010606 & 5,158,460. The description is as follows: Swivel seat, 4 suction cups, blue in color, approximately 8" high and 12" wide.

960924 CCC 5643

The following investigation was conducted by Captain Dennis L. Kiah, investigator with the Lynn Haven Department of Public Safety, reference LHDPS Case #96051356, Drowning of an infant.

On 05/18/96, this writer received a call from Sgt. Allen Stever of the Lynn Haven Department of Public Safety, reference to a child that had been found in a bathtub, left unattended for a short period of time, and the child was not breathing. Stever advised that PSO Bruce Lewis was on the scene with the ambulance right now and they were working on the child. The child was identified as [REDACTED] BOB 5/8/95. The incident occurred at [REDACTED] Street, Lot #3. The mother was identified as [REDACTED], 3/17/70, and the father [REDACTED], 7/10/70.

According to PSO Lewis' report, the child had been left in a suction-type seat in the tub just for a few minutes while the mother took care of other children in the house. When she came back in, the child was slumped over in the water. She advised that it had only been just a couple of minutes. She and the father brought the child out to Lot #12, the residence of a neighbor, identified [REDACTED]. She called 911 and started CPR on the child.

Upon Lewis' arrival, he continued CPR until the ambulance arrived. The child was then transported to Gulf Coast Hospital and subsequently transported to Sacred Heart Hospital after being stabilized.

This writer went to the scene and took photographs of the residence. The residence appeared clean with plenty of food for the children. There were two other children in the residence. The mother was obviously distraught and the father seemed to be in shock.

At the present time no foul play is suspected. This should be considered accidental unless further investigation develops. An interview with [REDACTED] revealed that [REDACTED] appeared to be model neighbors and that she did not suspect any type of foul play at all, but rather felt this to be purely accidental. She advised that [REDACTED] never argued and appeared to be a good mother and father to the children.

At the present time this will be a conclusion of this investigative report. Any further details will be added in the event the investigation changes.

D. Kiah

9609240005643

VICTIM: [REDACTED] DOB: 05/08/95 RACE: White SEX: Male
 ADDRESS: [REDACTED] Lynn Haven, Fl HM PX: N/A
 BUSN/OCCUP: None WK PX: N/A
 BODILY INJURIES: [x] YES [] NO DESCRIBE: Accidental drowning
 CONDITION: Unconscious VICTIM TAKEN TO: Gulf Coast Hospital TAKEN BY: EMS
 ATTENDING PHYSICIAN: Dr. Monastero PX:
 WEAPON/INSTRUMENT: Water SEIZED:
 CONTACT PERSON: [REDACTED] HM PX:
 ADDRESS: [REDACTED] Lot #3, Lynn Haven, Fl WK PX:

ADULT NAME & RELATION TO JUVENILE: [REDACTED] Mother
 ADDRESS: [REDACTED] Lot #3, LH HM PX: WK PX:
 NOTIFIED BY: PSD D.B. Lewis DATE & TIME:
 NOTIFICATION METHOD: In person
 L.E. DISPOSITION OF JUVENILE:
 RELEASE DATE/TIME: RELEASED TO:

I responded to 300 E 25th Street, Lot #12, in reference to a child not breathing. Upon my arrival, I was met by [REDACTED], occupant of the residence. She was performing CPR on a one year old white male. A check of vital signs showed the child had no heart beat or respiration. The child was showing no color other than the lips were blue. I started compressions and continued until EMS arrived. They ventilated the child. The child was aspirating a noticeable amount of water.

The child was transported to Gulf Coast Hospital by EMS. Dr. [REDACTED] is the attending physician. I spoke with Monastero by phone at 1130 hours and he said the child was doing a little better and would be flown to Sacred Heart Hospital in Pensacola, Florida, today.

At the time of this report, I had been unable to interview the mother, [REDACTED]. I tried to interview the father, [REDACTED]. He did not witness the incident, but did carry the child to his neighbor, Brandy Williams, who started CPR. Daniel was distraught at the time and wasn't able to provide details of the incident.

From the information gathered, I summarized this incident. The mother, [REDACTED], and the victim, [REDACTED], were in the bathroom and [REDACTED] was taking a bath. [REDACTED] was placed in a plastic chair for toddlers that has four suction cups to hold the seat in place in the tub and to keep the toddler from tipping over. For some unknown reason, [REDACTED] left the bathroom for approximately two minutes and returned to find [REDACTED] lying tipped over in the bathtub, in approximately eight inches of water. Matthew was not breathing when [REDACTED] found him.

At this time, Captain Kiah has taken photos of the scene and will have an investigative report.

The following subjects were at the scene: Myself, Sgt Stever, Brandy Williams, and EMS personnel, Kristen Fauthenberry, Chip Roberts, and Ron Miller.

WITNESS STATEMENTS [] YES [x] NO / PHOTOS TAKEN [x] YES [] NO
 REPORTING OFFICER: PSD D.B. Lewis/#11 *D. Adams 11/18*
 CASE DISPOSITION: ARREST [] CLEAR EXCEPTION [] PENDING [x]
 UNFOUNDED [] STATE ATTORNEY REVIEW []

APPROVED: Messer
 ASSIGNED: Kiah

DATE ASSIGNED:
 PAGE 2 OF 2

960924000 5643

DEPARTMENT OF PUBLIC SAFETY

INCIDENT REPORT

LYNN HAVEN, FLORIDA

DATE: 05/18/96

CASE #: 96051356

RCVD: 0905 DISP: 0906 ARR: 0908 UNDER CNTRL: CLRD: 1010

COMP: Bay County Sheriff's Office

RACE: SEX: HM PX: WK PX:

OFFENSE/INCIDENT: Accidental Drowning

LOCATION OFF/INC: 300 [redacted] Dr, Lot #3, Lynn Haven, Fl 32444

DATE/TIME OCCURRED: 05/18/96 0902 hours

TYPE PREMISES: Residential

MISSING [] SUSP/DEFENDANT [] OCCUPANT [] WITNESS [] OTHER -
NAME: DOB: RACE: SEX:
ADDRESS:
BUSN/OCCUP/ADDRESS:
HGT: WGT: HAIR: EYES: WK PX: HM PX:
CLOTHING:
SCARS/MARKS/TATTOOS:

MISSING [] SUSP/DEFENDANT [] OCCUPANT [] WITNESS [] OTHER -
NAME: DOB: RACE: SEX:
ADDRESS:
BUSN/OCCUP/ADDRESS:
HGT: WGT: HAIR: EYES: WK PX: HM PX:
CLOTHING:
SCARS/MARKS/TATTOOS:

VEH INVOLVED: SUSPECT [] STOLEN [] DAMAGED [] BURGLARIZED []
TOWED [] IMPOUNDED [] WRECKER [] OTHER -
LOCATION OF VEHICLE:
YEAR: MAKE: MODEL: BODY STYLE:
COLOR: TAG: STATE: EXP:
VIN/HIN: ENTERED FCIC/NCIC:

Table with 4 columns: PROPERTY TYPE, QUANTITY, S-stolen L-lost F-found E-evidence D-damaged R-recovered, VALUE. Includes a row for PROPERTY TOTAL.

DISPOSITION OF PROPERTY:

REPORTING OFFICER: PSO D.B. Lewis/#11

Handwritten signature/initials

960924CC5643
HARRIS 2

OFFICE OF THE MEDICAL EXAMINER
DISTRICT I, FLORIDA
AUTOPSY PROTOCOL
MLA96-196

[REDACTED]
1/W/M

DOB: 05/08/95
DOD: 05/20/96

INVESTIGATING AGENCY:
INVESTIGATING OFFICER:
COMPLAINT NUMBER:

DESCRIPTION OF THE AUTOPSY: The autopsy is performed in the Sacred Heart Hospital Morgue at 12:00 noon on 5/21/96, Mr. Eric Huter and Mr. Robert Grant in attendance. The body is that of a well-developed, white male infant who is identified by a band attached to the right wrist and a tag attached to the right first toe bearing the name **MATTHEW WETHERBEE**, Medical Record Number 50-94-07. He is clad only in a disposable diaper. He is further identified by an overall length of 31 inches and blue eyes. The mouth is edentulous. The conjunctivae shows no evidence of congestion or petechiae.

EVIDENCE OF RESUSCITATION: A pediatric endotracheal tube is taped to the left side of the mouth. A separate tube extends into the right nares. A catheter is present in the urethra. Venipuncture wounds are present over the antecubital fossa of the right and left arms. Puncture wounds are identified on the tips of the 2nd and 3rd fingers of the right hand and the 3rd finger of the left hand. Separate plastic catheters extend into the right inguinal area, each of which is attached to a syringe.

EVIDENCE OF INJURY: Two superficial (decubitus) ulcers are present over the posterior thorax at the level of the shoulder-blades. The larger, located on the right side, measures 5 x 2 inches; and the smaller over the posterior aspect of the left shoulder measures 1 1/2 x 2 inches. No hemorrhage is present into the underlying tissues.

BODY CAVITIES: One to two cc of clear straw colored fluid is present in the pericardial sac, and about 10 cc of similar fluid is present in each of the right and left chest cavities. No exudates, no adhesions and no blood is identified in the body cavities. No fractured ribs are noted. No hemorrhage is present in the mediastinum or retroperitoneum.

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HEART: The heart weighs 65 grams and has a normal size, shape and position. No gross abnormalities are noted.

LUNGS: The left lung weighs 125 grams and the right lung 140 grams. The pleural surfaces of both lungs are entirely smooth and glistening. The inferior lobes of both the right and left lungs show areas of consolidation associated with a firm, subcrepitant, nodular parenchyma. The remaining lung parenchyma is soft, crepitant and shows no gross abnormalities. The larynx, trachea and tracheobronchial tree contain only a small amount of thin mucus. The tip of the endotracheal tube is located in the middle third of the trachea. No abrasions or erosions are noted on the mucosal surface of the trachea or larynx.

LIVER: The liver extends 3.0 cm below the xiphoid process and 1.0 cm below the costal margin at the right mid clavicular line. The surface is smooth and glistening and shows no subcapsular hematomas or capsular lacerations. The parenchyma of the liver has a lobular architecture and shows no intrinsic abnormalities. The gallbladder and extrahepatic biliary system are normal.

PANCREAS: The pancreas has a normal size, shape and position and shows no gross abnormalities. The peripancreatic tissues around the body and tail show evidence of edema.

SPLEEN: The spleen has a normal size, shape and position and weighs 35 grams. No abnormalities are noted.

KIDNEYS: The kidneys together weigh 60 grams and are symmetrical. The capsules strip with ease and the capsular surface is smooth. No intrinsic abnormalities are noted.

ADRENALS: Both adrenal glands are normal.

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ESOPHAGUS AND GASTROINTESTINAL TRACT: The nasogastric tube extends through the esophagus into the fundus of the stomach. The mucosa of the esophagus is smooth, and shows no areas of ulceration or discoloration. The stomach has a normal mucosa with no gross abnormalities. No ulcers are present in the stomach or duodenum. The remainder of the small and large intestine appear grossly normal.

CENTRAL NERVOUS SYSTEM: No lacerations are noted on the scalp or galea and no fractures are present in either the inner or outer table of the skull. No unusual collections of blood are present in the epidural or subdural spaces, and no bloodstaining is noted in the leptomeninges. The leptomeninges are thin, delicate and contain no exudate. The brain weighs 1130 grams. It shows diffuse flattening of the gyri and narrowing of the commissures. No herniation of the uncal gyri or the cerebellar tonsils are identified. Coronal sections of the cerebrum, cerebellum and brainstem show compression of the lateral and fourth ventricles. No intrinsic areas of hemorrhage, no discoloration, no cysts, no abscesses or other gross abnormalities are noted.

CFM/dch
5/22/96

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PERTINENT HISTORY: This is the case of a one-year-old white male (date of birth 5/8/95) who was at home with his mother at [REDACTED] 25th Street, Lot #3 in Lynn Haven, Florida on 5/18/96. The mother placed the child in the bathtub in a seat designed for that purpose. When she returned to the bathroom she found that the seat had turned over and the child was slumped over in the water. The child was initially taken to the Bay Medical Center in Panama City. Examination in the emergency room revealed no pulse, no respiration and no blood pressure. An orotracheal intubation was performed and the child was resuscitated. The Children's Hospital received a telephone call from the Gulf Coast Hospital Emergency Room at 10:45 a.m. requesting a transfer by Dr. Ebeid. The Sacred Heart Hospital transport van arrived at 1354 and transported the child to the intensive care unit. He developed an asystole at 1315 on 5/20/96 and was pronounced dead jointly by Dr. Rex Northup and Dr. Melinda Frantz at 1335 on 5/20/96, approximately 52 hours after the incident.

CFM/dch
5/22/96

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PROVISIONAL AND FINAL DIAGNOSES:

1. STATUS POST DROWNING AT 9:00 A.M. ON 5/16/96.
2. STATUS POST RESUSCITATION ASSOCIATED WITH
 - A. CEREBRAL EDEMA.
 - B. BILATERAL HYPOSTATIC PNEUMONIA.

TIME OF DEATH: 1:35 P.M. ON 5/20/96

TIME OF ACCIDENT: 9:00 A.M. ON 5/18/96

CAUSE OF DEATH: DROWNING IN A BATHTUB AT HOME.

MANNER OF DEATH: ACCIDENT.

C.F. McConnell

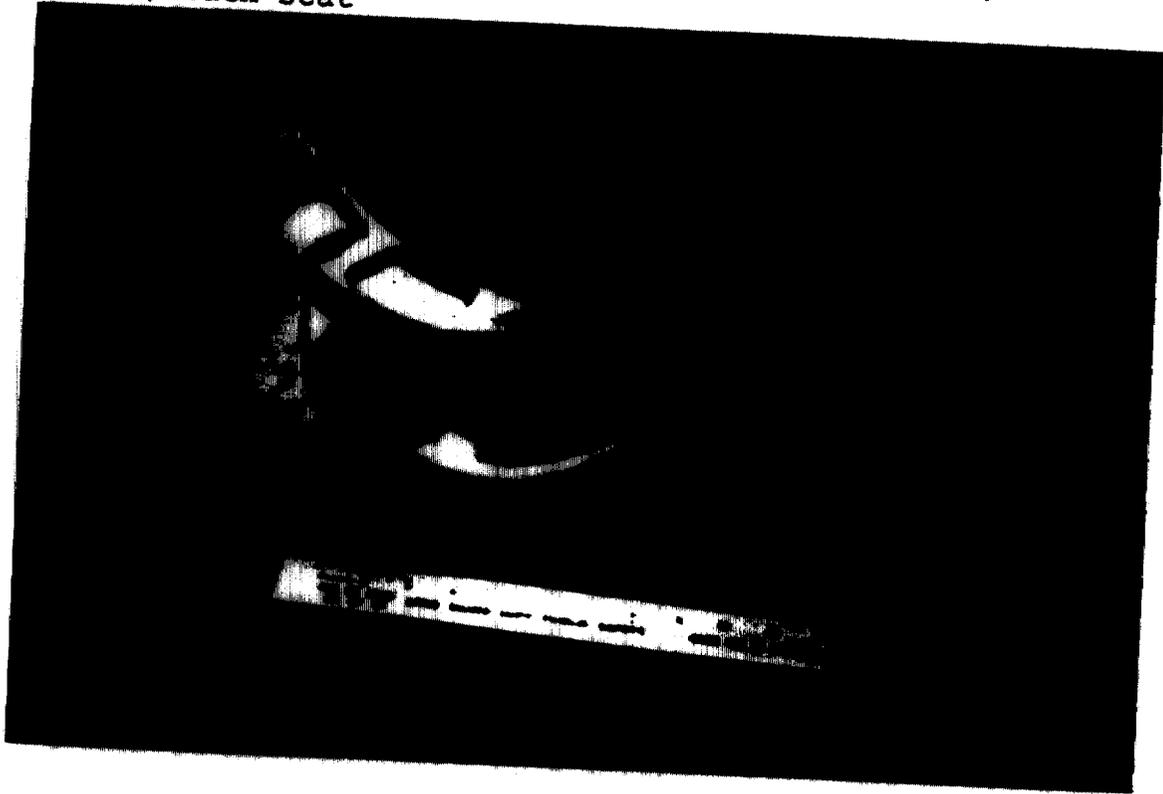
C.F. MCCONNELL, M.D.,
FORENSIC PATHOLOGIST
CHIEF MEDICAL EXAMINER
DISTRICT I, FLORIDA

CFM/dch
5/22/96

960924CCC5643
Supplemental Police Photos 12/23/96



Photo 1, bath seat
Photo 2, bath seat



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ACCIDENT INVESTIGATION REQUEST FORM

DOCUMENT NUMBER: 9612047808
 DATE OF INCIDENT: 5/18/96 CATID: SECT RR 1994
 FOLLOW-UP REQUESTED HAZARD ANALYSIS () SECT 15 (X)
 TYPE FOLLOW-UP TELEPHONE () ON-SITE (X)
 HEADQUARTERS CONTACT: Renae Rauchschalbe 504-0608 x1362
 Marc Schoem 504-0608 x1365

ASSIGNMENT MESSAGE: Please complete the investigation using the Investigation Guideline. It is very important to establish the detailed sequence of events in these incidents including the infant's position during the incident and the use of any bath rings, seats, or infant bathtubs. Exact age of infant (DOB and date of incident) needs verification and determine length of time between when child was last observed as fine until he/she was discovered submerged.

For fatal incidents, please interview any parents or caregivers for the detailed sequence of events to the extent possible. If the state does not allow contact with the next-of-kin in a fatal incident, collect all official documentation including coroners or medical examiners reports, paramedics report, police investigation, social worker's report, and any medical treatment records.

Person(s) to Contact: *Officials only permitted*
~~_____~~

Guidelines: 110 Bathtub Incidents Involving Children <18 Months Old

Task Number: 9609240005643 Date: 961003
 Assigned to: NYCO Requested by: J. LANSING

CPSC Form 324A (10/96)

11/14/96

OCT-01-1996 10:43

EPDS/HDG

301 504 0038 P.02



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

October 1, 1996

960924ccc 5643

Attn: Mr. Gary Sammet
Program Administrator
Jacksonville, Fl.
Fax. #904-359-6993

As per our phone conversation, we are requesting permission to conduct a follow-up investigation on the listed death certificate(s). As requested by our office, we are notifying you of the case(s) selected and if no objection from you we are granted permission to contact OFFICIALS ONLY.

D.O.D	CERTIFICATE #	NAME	PRODUCT
5/20/96	96-067808	[REDACTED]	BATHTUB
4/03/96	96-045575	[REDACTED]	ATV
4/22/96	96-050928	[REDACTED]	Bucket
4/11/96	96-048794	[REDACTED]	Go Cart

James W. Taylor
Program Analyst
Consumer Product Safety
Commission
1-800-638-8095 ext. 1255
fax. # 1-800-809-0924



OK
Gary Sammet

960924 CCC 5643



STATE OF FLORIDA
DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES

OFFICE OF VITAL STATISTICS
FAX TRANSMITTAL SHEET

DATE: October 2, 1996

TO: Mr. James W. Taylor

OFFICE: Consumer Product Safety Commission

FAX NUMBER: 1-800-809-0924

OFFICE NUMBER: 1-800-638-8095 ext. 1255

FROM: Gary J. Sammet

OFFICE: PUBLIC HEALTH STATISTICS SECTION (HSIVS)

OFFICE NUMBER: 904/359-6960 (SC 826-6960)

FAX NUMBER: 904/359-6993 (SC 826-6993)

NUMBER OF PAGES (INCLUDING THIS ONE): 2

SPECIAL INSTRUCTIONS: Approval of your request dated October 1, 1996.

via

NOTE: THIS FAX TRANSMISSION MAY CONTAIN MATERIAL WHICH IS CONFIDENTIAL UNDER FLORIDA STATUTES AND IS INTENDED TO BE DELIVERED TO ONLY THE NAMED ADDRESSEE. UNAUTHORIZED DISSEMINATION OF THIS INFORMATION MAY BE A VIOLATION OF CRIMINAL STATUTES. IF THIS INFORMATION IS RECEIVED BY ANYONE OTHER THAN THE NAMED ADDRESSEE, THE RECIPIENT SHOULD IMMEDIATELY NOTIFY US AT THE ADDRESS OR TELEPHONE NUMBER SHOWN ABOVE AND OBTAIN INSTRUCTIONS AS TO THE DISPOSAL THEREOF. UNDER NO CIRCUMSTANCES SHOULD THIS MATERIAL BE READ, RETAINED OR COPIED BY ANYONE OTHER THAN THE NAMED ADDRESSEE.

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FAX NO. 2 HSIVR: 904/359-6993 (SC 826-6993)
FAX NO. 3 HSIVM: 904/359-6949 (SC 826-6949)

P.O. BOX 210 - JACKSONVILLE, FLORIDA 32231

LAWTON CHILES, GOVERNOR