

1985

18 MAY 1987 31

COMPLAINT
SECT 15-1987

1. CASE NO. 870408CBB1192		2. INVESTIGATOR'S ID 8 2 7 1		3. OFFICE CODE 8 0 5		EPIDEMIOLOGIC INVESTIGATION REPORT
4. DATE OF ACCIDENT YR MO DAY 8 5 1 2 0 4		5. DATE INVESTIGATION INITIATED YR MO DAY 8 7 0 4 1 3				
6. SYNOPSIS OF ACCIDENT OR COMPLAINT <u>A father who went to his seven month old son's bedroom to awaken him found him strangled on a loose bumper pad tie.</u>						
7. LOCATION (Home, school, etc.) Bedroom 1 0						
8. CITY Salem			9. STATE MA M A			
10A. FIRST PRODUCT Bumper Pad 1 5 4 2		11A. TRADE/BRAND NAME, MODEL NUMBER, MANUFACTURER & ADDRESS				
10B. SECOND PRODUCT N/A		11B. TRADE/BRAND NAME, MODEL NUMBER, MANUFACTURER & ADDRESS MAY 18 1987				
12. AGE OF VICTIM 2 0 7		13. SEX (Use numerical code) MALE - 1 FEMALE - 2 UNKNOWN - 3 1		14. DISPOSITION DOA 8		15. INJURY DIAGNOSIS Asphyxia 6 5
16. BODY PART All 8 5		17. RESPONDENT(S) (Mother, Friend) Police Detective 2		18. TYPE INVESTIGATION ON SITE 1 TELEPHONE 2 OTHER 3 1		19. TIME SPENT 1 0 0
20. ATTACHMENTS Multi 9		21. CASE SOURCE Death Certificate 0 2		22. REVIEWED BY YR MO DAY 8 3 4 2 8 7 0 5 0 8		
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) NOTE: Parents of the victim were not contacted and no release was obtained. Crib Bumper Pad was still in police custody and was collected as Sample I-805-3669. <u>PRE-ACCIDENT</u> Prior to the accident the victim was apparently healthy and normal. Police Officials were not aware that the infant was on any medication, and none was reported as part of the toxicological tests done during the autopsy. The medical examiner reported that the victim was 29" long and weighed 18 lbs. The police official did not know what time the infant was put to bed the previous evening, but was of the opinion everything went according to normal routine.				25. REGIONAL OFFICE DIRECTOR REVIEW <i>[Signature]</i> DATE 5/13/87		

-continued-

(USE OTHER SIDE AND ADDITIONAL SHEETS IF NECESSARY)

Infant's mother is a nurse and worked the 11:00 PM to 7:00 AM shift at Salem Hospital. Father works days as a real estate agent and was home during the night. Nothing unusual was reported to have occurred during the night.

ACCIDENT

According to a statement prepared by the Salem Police (See Exhibit #5C), the father awoke and did not hear the child and went into his bedroom at 7:45 AM. He found the baby laying on his stomach with his head turned to the left. When he turned the baby over he noted the string around the baby's neck. He pulled the baby from the crib, pulling the string from the bumper pad in the process. Police Officials surmised that the baby had grasped the loosened tie in his hand then rolled over pulling the tie across the front of his neck. Police and the medical examiner noted, a mark made by the tie across the baby's neck.

POST-ACCIDENT

The father attempted to revive the infant with mouth resuscitation, but when this was unsuccessful he called the police. An ambulance was dispatched to the house, but EMT's reported (See Exhibit #5B), there were no life signs.

Because this was a sudden death the Criminal Investigation Division of the Salem Police Dept. conducted an investigation, and satisfied themselves that it was an accident. The bumper pad was sampled and sent to the State Police Laboratory for testing. The State Lab Report (See Exhibit #5D) indicates that an attempt was made to ascertain if the bumper pad ties involved in the strangulation came from the pad, or some other source. The report indicates their findings were inconclusive.

PRODUCT IDENTIFICATION

The product is a cloth covered fiber filled crib bumper pad which is 152" long, 9" wide is pleated at 12" intervals along its length. The fabric cover is printed with multicolored rabbit figures. 20" cloth ties are sewn into the seam along the outside edges, top and bottom at intervals along its length. Two of the ties are knotted to brass-like grommets. Also sewn into the seam was a laundering instruction tag and a law tag indicating that the unit was sold by [REDACTED]

Salem Police photographed the crib with the bumper pad installed following the victim's removal and supplied me with the negatives of the five photos they took. Prints of these photos appear as Exhibit #6.

The bumper pad was identified with an indelible ink pen at the State Lab with the mark, [REDACTED]. Three loose ties, including the one involved in strangling the infant were similarly identified. After the completion of the lab tests the bumper pad was returned to the custody of the Salem Police Dept. They agreed to allow me to sample it for CPSC evaluation. The pad was collected and submitted to CACA as Sample No. I-805-3669.

ATTACHMENTS

The following exhibits are attached to this report:

1. Comm. of Mass. Death Certificate involving the victim.
2. Written request for copy of the autopsy report.
3. Copy of autopsy report.
4. Written request for Salem, MA police report of accident.
5. Copy of Salem, MA Police Report.
6. Photos taken on Salem, MA Police Dept. at the accident scene.

TN# 870408 CBB 1192 Exhibit # 2



U.S. CONSUMER PRODUCT SAFETY COMMISSION
NORTHEASTERN REGIONAL OFFICE

Boston Resident Post



Brian Blackburne, M.D.
Chief Medical Examiner
UMass Medical Center
55 Lake St.
Worcester, MA 01605

April 21, 1987

Re: TN# 870408 CBB 1192

Dear Mr. Blackburne:

This office is investigating the accidental death of [redacted] a seven month old infant who resided with his parents at [redacted] Salem, MA 01970. He is reported to have strangled on the tie of his bumper pad on 12/4/85. The report of this incident was supplied to us by your office under the CPSC ME-CAP program.

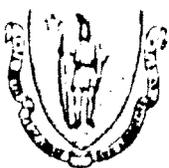
We are most interested in knowing the role the bumper pad played in the infant's demise, and in that regard I spoke with Dr. [redacted] M.D., the physician who pronounced the victim and conducted the autopsy. He indicated the autopsy report could be obtained by writing to your office. I would be most appreciative if you could mail it to me at the above address.

Thank you in advance for your cooperation.

Sincerely,



- Connecticut
- Delaware
- District of Columbia
- Maine
- Maryland
- Massachusetts
- New Hampshire
- New Jersey
- New York
- Pennsylvania
- Puerto Rico
- Rhode Island
- Vermont
- Virgin Islands



Michael S. Dukakis
Governor

Charles V. Barry
Secretary

Brian D. Blackbourne, M.D.
Chief Medical Examiner

The Commonwealth of Massachusetts
Executive Office of Public Safety
Office of Chief Medical Examiner
University of Massachusetts Medical Center
55 Lake Avenue North
Worcester, Massachusetts 01605

(617) 856-3501
(800) 222-5004

4-27-87

RE: Autopsy Report on _____

Dear Mr. _____

Enclosed please find the autopsy report you requested on the above named individual. If you have any further questions, please do not hesitate to call upon me.

Sincerely,

Enclosures

ddw/

TN# 870408 CBB 1192 Exhibit # 3



COMMONWEALTH OF MASSACHUSETTS
 OFFICE OF THE CHIEF MEDICAL EXAMINER
 UNIVERSITY OF MASSACHUSETTS MEDICAL CENTER
 55 LAKE AVENUE NORTH
 WORCESTER, MASSACHUSETTS 01605

AUTOPSY REPORT

Case No. [REDACTED]

Name [REDACTED] Age _____ Race White Sex Male

Address [REDACTED] Salem, MA 01970

Date and Time of Death December 4, 1985 at 7:57 a.m.

Date and Time of Autopsy December 4, 1985 at 1:00 p.m. at Salem Hospital

Medical Examiner Albert Shub, M.D.

County and District Essex

CAUSE OF DEATH:

Asphyxiation due to accidental strangulation.

MANNER OF DEATH:

- Natural Causes
- Accident
- Suicide
- Homicide
- Undetermined

Signature [REDACTED]
 Pathologist [REDACTED] M.D.

Address Overledge Road
Manchester, MA 01944

PRESENT AT EXAMINATION:

[REDACTED], Pathologist
[REDACTED], Physician's Assistant
Albert Shub, M.D., Medical Examiner
Sargeant Jack O'Rourke, State Police
Trooper Brian Windsor, State Police
Detective Mark Riley, Salem Police Dept.

EXTERNAL EXAMINATION: Examination reveals an unclad white male measuring 29" and weighing an estimated 18 lbs. The head reveals short sandy blonde hair. The scalp is intact without focal change. The forehead is unremarkable though there is some mottling. The eyelids are intact. The eyes reveal brown irides with symmetric pupils 0.5 cm. There is crusting white material around the medial orbit on the right side. The nose is intact. The mouth is intact. There are no teeth. The tongue is unremarkable. The lips have a purplish-red appearance. The ears are intact. The cheeks are unremarkable. The neck region reveals a furrow abraded and measuring 3.0 cm. in the left lateral neck below the left pinna extending towards the midline. At the midline, the furrow is depressed and pale with purplish coloration at the perimeter. This measures 10.0 cm. and extends to the right lateral and posterior neck. In the right posterior neck, the furrow is continuous and depressed with a lichenified appearance. This measures 4.5 cm. The superior margin of the furrow reveals small petecchiae to the skin from the midline to the right neck. The neck and chest below the furrow show some minimal and poorly defined crusting and abrasion of the skin above the sternal notch. The upper extremities are unremarkable. Livor mortis is noted along the posterior inferior aspect of the right forearm. The chest is unremarkable. The abdomen is intact with livor mortis to the periumbilical region with extension to the genitalia. There is pinkish coloration to the foreskin. The legs also reveal livor mortis along their anterior planes medially. The lower legs show some mottling to the skin around the ankles. The back is unremarkable with livor mortis. The anus is unremarkable and intact.

INTERNAL EXAMINATION: The thoracic cavity and abdominal cavities are opened with the typical Y-shaped incision. There is no evidence of fluid within the pleural or peritoneal cavities.

HEART: Upon examining the pericardial sac, the thymus is prominent and weighs 50 gm. The pericardial sac is opened and is unremarkable. The great vessels enter and leave the heart in normal fashion. The heart is opened and reveal normal appearing cardiac valves without focal change. The cardiac chambers are unremarkable. The coronary arteries arise in normal fashion from the base of the aorta. There is no evidence of any abnormal communications.

LUNGS: The right lung weighs 80 gm. and the left lung, 55 gm. Both lungs show diffuse congestion with more prominent congestion within the right lower lobe. The bronchial tree shows minimal congested fluid. There is no purulent material identified. The vascular tree is intact and unremarkable.

LARYNX AND TRACHEA: The neck muscles and soft tissue are examined and fail to reveal any focal change. The larynx and trachea itself reveal some mucosal congestion, but without evidence of obstruction.

LIVER: The liver weighs 370 gm. The capsule is intact. The parenchyma is uniformly brown-tan throughout without focal abnormality. The gallbladder is present and contains bile. The common duct enters the duodenal region in an unremarkable fashion. The pancreas is in the normal location without focal change.

SPLEEN: The spleen weighs 12 gm. The capsule is intact. The parenchyma is uniformly soft red-purple without focal abnormality.

GI TRACT: The esophagus is patent and unremarkable. The stomach is opened and reveals minimal tan fluid. The mucosa is intact. The muscular wall is unremarkable. The small and large intestine are unremarkable.

KIDNEYS: The kidneys each weigh 35 gm. The cortical surfaces show vestiges of fetal lobulation. Cut section reveals unremarkable cortex and medulla. The ureters are intact. The urinary bladder is contracted.

BLOOD VESSELS: Aorta and vena cava are unremarkable throughout.

BRAIN: The scalp is removed and is intact without focal abnormality. The skull is intact without fractures. The brain weighs 950 gm. The meninges are intact. The usual pattern of gray and white matter is seen throughout. Serial sections through the brain reveal some vascular congestion, particularly within the brain stem and frontal lobes. The cerebellum is intact and unremarkable.

TOXICOLOGIC EXAMINATION: Blood is obtained for routine toxicologic screening analysis.

MICROSCOPIC EXAMINATION:

HEART: Sections of myocardium are unremarkable with normal architecture.

THYMUS: Thymic tissue shows normal appearance with admixed lymphoid and epithelial elements.

LUNGS: There is diffuse septal vessel congestion with edema. Alveoli reveal edematous fluid focally. Bronchiolar structures are unremarkable.

LIVER: The liver shows normal architecture with granularity to the cytoplasm. There is sinusoidal congestion.

SPLEEN: The spleen shows sinusoidal congestion with unremarkable lymphoid elements.

PANCREAS: Normal appearance to islets and acini is seen.

KIDNEYS: There is diffuse congestion to the vessels. Glomeruli and tubules are fetal in nature and appear unremarkable.

ADRENALS: Adequate lipid stores are seen.

LARYNX AND TRACHEA: Skeletal muscle bundles surround the larynx and trachea and are unremarkable without evidence of hemorrhage. There are foci of submucosal congestion with minor non-specific inflammation.



BRAIN: There is some vascular congestion throughout the cerebrum and cerebellum. There is an occasional focus showing minor perivascular hemorrhages within dilated vessels. Neuronal and glial elements are otherwise unremarkable.

MICROSCOPIC DIAGNOSES:

LUNGS: Diffuse congestion and edema.

BRAIN: Congestion with focal perivascular hemorrhages.

REB/pat



The Commonwealth of Massachusetts
Department of Public Safety

CHEMICAL LABORATORY
1010 COMMONWEALTH AVENUE
BOSTON, MASSACHUSETTS 02215

DATE: December 23, 1985

LAB. NO.:



MEDICAL NO.:

DATE SUBMITTED: December 5, 1985

NAME OF VICTIM:



SUBMITTED BY:



RESULTS:

Blood Alcohol: none detected (JMD)
Organic Base Screen: nothing significant detected (JL)
Organic Neutrals Screen: none detected (JL)

CHEMIST

REPORT TO:



TN#870408CBB1192 exhibit # 4



U.S. CONSUMER PRODUCT SAFETY COMMISSION
NORTHEASTERN REGIONAL OFFICE

Boston Resident Post



Detective James R. Gauthier
Salem Police Dept.
17 Central St.
Salem, MA 01970

May 5, 1987

Re: TN#870408CBB1192

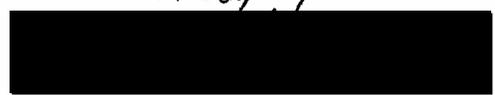
Dear Detective Gauthier:

This office is investigating the accidental death of [redacted] a seven month old infant who resided with his parents at [redacted] Salem, MA 01970. He is reported to have strangled on the tie of his bumper pad on 12/4/85. I am advised that you investigated this incident.

We are most interested in knowing how the bumper pad involved in this incident was involved in the ~~incident's~~ infant's death. In this regard I would be very interested in obtaining the pad as a sample and would like copies of any reports which were prepared. If photos were taken, we would appreciate receiving prints of them.

Thank you in advance for your cooperation.

Sincerely,



- Connecticut
- Delaware
- District of Columbia
- Maine
- Maryland
- Massachusetts
- New Hampshire
- New Jersey
- New York
- Pennsylvania
- Puerto Rico
- Rhode Island
- Vermont
- Virgin Islands

TN# 870408 CBB 1192 EXAMUT 5A

SALEM POLICE DEPARTMENT

OFFICER'S REPORT

REPORT #	3669
DATE	12-04-55
TIME	0748

CRIME OR INCIDENT	Sudden Death	APT.	
NAME	[REDACTED] (8 months)	HOME PHONE	
ADDRESS	[REDACTED]	BUS. PHONE	

ACTION TAKEN - CHECK BOX BELOW

ARREST	<input type="checkbox"/>							SS #			
								DOB			
								SS #			
								DOB			
WARRANT	<input type="checkbox"/>	M/V ACC. FORM	<input type="checkbox"/>	TRAFFIC DUTY	<input type="checkbox"/>	COURT	<input type="checkbox"/>	CIVIL	<input type="checkbox"/>	PARKING COMPLAINT	<input type="checkbox"/>
SUMMONS	<input type="checkbox"/>	FELONY FORM	<input type="checkbox"/>	M/V TOWED	<input type="checkbox"/>	TOW CO.	<input type="checkbox"/>	OWNER NOTIFIED	<input type="checkbox"/>	REG. #	<input type="checkbox"/>
M/V VIOL.	<input type="checkbox"/>	JUV. CARD	<input type="checkbox"/>	M/V TOWED	<input type="checkbox"/>	TOW CO.	<input type="checkbox"/>	OWNER NOTIFIED	<input type="checkbox"/>	REG. #	<input type="checkbox"/>

DETAILS OF CRIME OR INCIDENT

Above names father called station and stated that he thought his child was dead.

Rescue transported baby to hospital while doing CPR.

Color of child was blue and body was rigid.

Child had a mark across neck, father believes child got caught on bumper pads in crib.

The father was at home with the baby. Mother a nurse at Hospital was just getting home and she got into ambulance.

Dr. [REDACTED] pronounced the child dead.

Investigation turned over to Det Baurthner and Det Riley

REPORTING OFFICER	Baglioni	CAR #		SUPERVISOR	
2ND OFFICER					Felix, Sgt Ryan

TN# 870408 CBB 1192

Exhibit 5C

Father Employed: [REDACTED]

Wife: [REDACTED]

Works 11P to 7A Shift.

Father awakes - did not hear child - went into bedroom at 7:45 A.M. -

Baby was lying with head to the left as you face the crib - Facing to his left on his belly. - Father touched baby and baby felt cold - Father turned baby toward him and observed a bluish color on baby's face. - Father then observed a string around the baby's neck. - Father pulled and baby became free from bumper. - Father then attempted to give mouth to mouth. - Father then ran downstairs with the baby and called the police. - Father remained downstairs with the baby until police arrived. - Father handed baby to the Police.



The Commonwealth of Massachusetts

Department of Public Safety

1010 Commonwealth Avenue, Boston, MA 02215
February 7, 1986

LAB. NO. [REDACTED] SALEM

Examination of Materials in Connection
with the death of [REDACTED]
at Salem on December 15, 1985.

On January 7, 1986, Detective Clifford Pooler of the Salem Police Department delivered the following items to this laboratory in connection with the above subject:

1. Crib bumper
2. Crib bumper strap

EXAMINATION:

Item 1 - Crib bumper: This item consists of a 152" long by 9" wide crib bumper with multiple colored rabbit designs. Two unsewn holes were observed in this item 16" and 27½" from one end. Two loose straps like Item 2, were also observed tied to this item. Microscopic examination of the unsewn holes and the sewn hole marks observed in the three straps (Item 2 included) revealed no discernible differences between the five separate areas examined. Therefore, no conclusion as the origin of any of the aforementioned straps could be made.

REP/jc
Report to: Det. Pooler
Salem Police Dept.

Robert E. Pino
Robert E. Pino
Assistant Chemist
Crime Laboratory

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

Robert E. Pino, whom I know to be a Chemist of the Massachusetts Department of Public Safety, appeared before me and affirmed the foregoing to be the results of the examination made on Lab. No. C86-14, an Investigation in Salem on December 16, 1985.

Sworn and subscribed to before me this 9th day of February 1986.

Barbara A. Belavic
NOTARY PUBLIC

My commission expires: March 13, 1992

TN# 870408 CBB 1192 Exhibit 5D

Jerry Donora
pls flu mounts

ACCIDENT INVESTIGATION REQUEST FORM

MS 4/9

Document Number [redacted]

Date Rec'd 12/4/85 Category I.D. Sect 15 1985

Reviewed by [redacted] Hazard Analysis Section 15

Requested by [redacted] Telephone Call see below On-Site

Headquarters Contact Tarris Rogers 492-6608

Assignment Description
conduct an I DI on the
attached document involving a bumper car
If a sample is available collect
product ident and send
specimens. Collect all physical
Next of kin contact is advised
[redacted]

Product Contact [redacted]
Lynn, Mass.

Guideline N/A

Requested By DM [redacted]

Task Number 870403 CBB 1192

Assigned to NYC 04/03/86

RECEIVED
4/12/86

TN# 870408 CBB 1192 Exhibit # 6



Photo # 1.

Photos taken by
Criminal Investigator
Division, Salem
Police Dept. at the
accident scene.

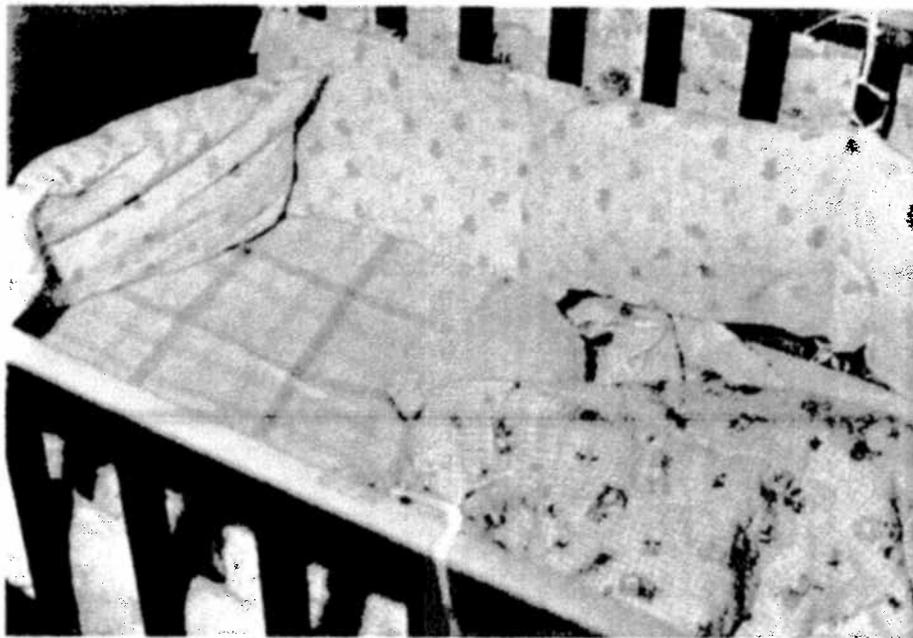


Photo # 2 Since no commentary accompanied
the police photos, I will not try to explain
what is depicted.

TN#870408CBB1192

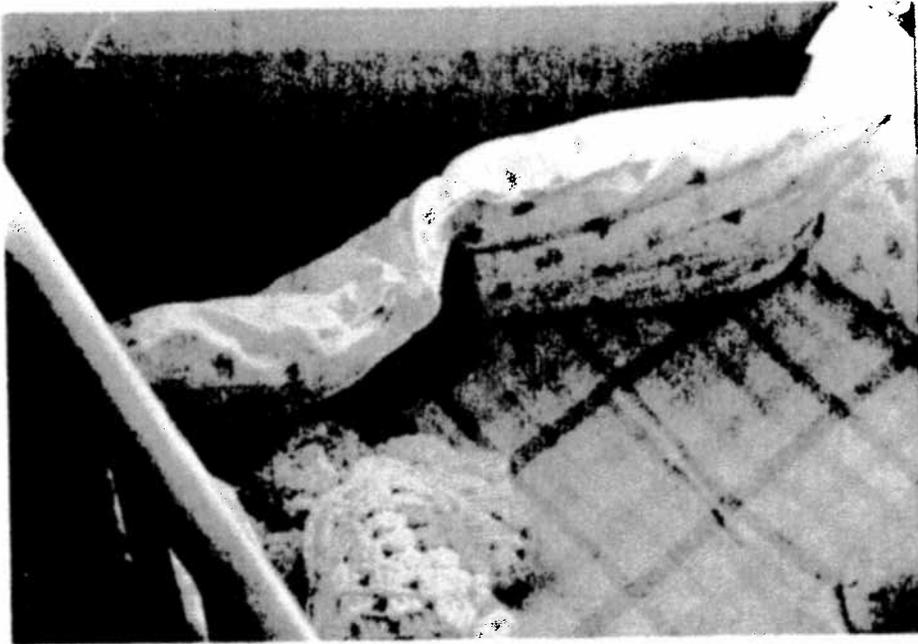


Photo #3

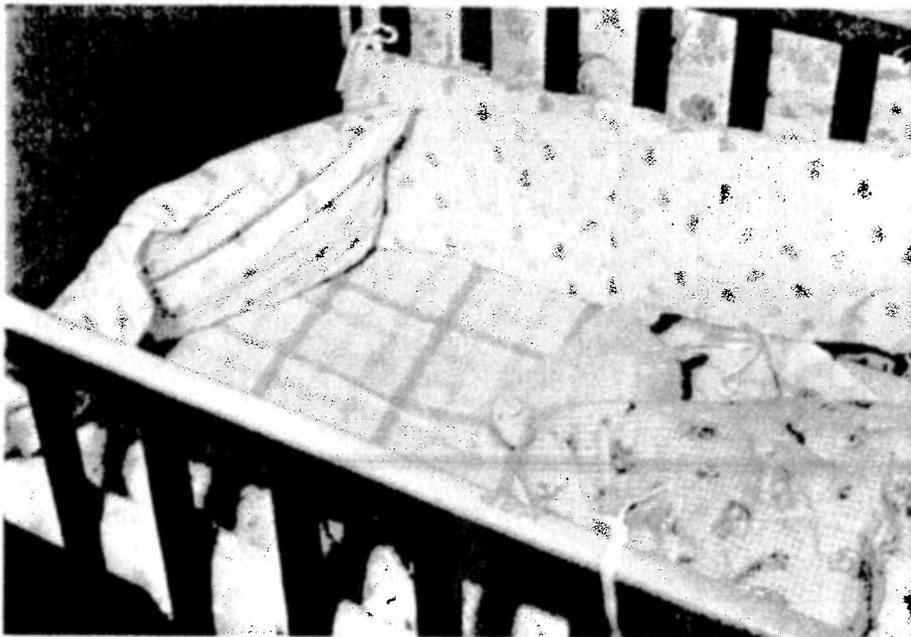


Photo #4

TN#870408CBB1192



Photo #5