

LOCAL

9 Investigates: Incomplete autopsies from state impacting deadly NC drug cases



By [Genevieve Curtis](#),
[wsocvtv.com](#)

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UNION COUNTY, N.C. — Channel 9 is continuing to investigate a statewide autopsy backlog which means some cases are getting left unsolved.

In some types of criminal cases, the medical examiner's office isn't even doing a full autopsy, which is making it harder to prosecute crimes in our community. Channel 9's Genevieve Curtis found out that many of those cases are overdoses.

The Mecklenburg County Medical Examiner's Office performs a full autopsy in overdose cases so that prosecutors can go after the drug dealers under the [2019 Death by Distribution law](#). But several of our local counties have to send their cases to Raleigh's medical examiner, where they're not getting those same results.

Union County District Attorney Trey Robison has been aggressive about prosecuting dealers who sell drugs which cause an overdose death.

"We can't prosecute any of these cases without autopsies that we can take into court and show to a jury to try and prove our case," DA Robison said.

But to prove it in court, Robison needs a full autopsy.

"You have to show they didn't die of a brain hemorrhage, or didn't die from a heart attack or something else," he explained. "That's why these autopsies are so important."

Robison said they stopped getting those full reports in June -- when Mecklenburg County said it was unable to handle Union County autopsies -- so the state examiner's office took over.

"We are begging them to perform full autopsies," Robison said. "They don't want to do them -- it's not part of their protocol."

The state ME's office is facing a staffing shortage and an increased case load partially because of a 60% increase in overdose deaths.

In February, the Union County Sheriff's Office responded to seven overdose deaths -- the most it's ever had in one month.

"Of those seven, only one case resulted in a full autopsy," Union County Sheriff's Office Chief Deputy Tony Underwood said. "One of the seven."

+ Caption

In each of those deaths, investigators are trying to track down the seller. But without key evidence, it's a harder case to make.

"Justice is not being served if full autopsies are not being performed," Underwood said.

"We've seen significant increase in the presence and the availability of fentanyl -- it's deadly. People are dying," he added.

Those on the front lines of the fentanyl crisis are hoping the general assembly could ease challenges for the ME's office. They're focusing on preventing people peddling poison from dealing the next deadly dose.

"Things are getting worse, not better," Robison said. "We're having more overdoses, not fewer, and we are going to have more prosecutions, not fewer."

As Curtis first reported Wednesday, to address some of the issues, local state lawmakers are working on a bill to create a regional medical examiner's office in Union County.

The issues with incomplete autopsies come as state lawmakers are trying to increase penalties for people who deal drugs that lead to deadly overdoses. Under the proposal, suspects would face felony charges for dealing fentanyl that killed someone. It would also increase fines for trafficking powerful opioids.

The Senate passed the bill on Tuesday. It's now being heard in the House.

The NCDHHS, which oversees the medical examiner system, shared the following statement with Curtis:

“Law enforcement and the District Attorney’s Offices are important partners of the NC Department of Health and Human Services. The NCDHHS-Office of the Chief Medical Examiner (OCME) strives to be responsive to all of our partners as well as to the family for each medical examiner (ME) case. OCME is experiencing an increase in the number of ME cases and high vacancies.

“There is no requirement in the North Carolina Medical Examiner System that every case, including a suspected drug overdose, has an autopsy performed. Every death investigation conducted has its own unique set of facts and circumstances. Every medical examiner case receives a full medicolegal death investigation which is comprised of multiple components that can include an examination, medical record review, incident report review, ancillary testing and toxicology testing. A Medical Examiner, with support of their autopsy center, determines whether an autopsy is needed based on the individual circumstances of each case. There were roughly 13,500 medical examiner cases in 2021 — 36% (or 4,900) of whom received an autopsy.

“North Carolina’s Medical Examiner System is a network of medical doctors, allied health professionals and contracted entities who are responsible for investigating all deaths due to violence and injury, those of suspicious or unusual nature, and deaths that were unattended by a medical professional. Our medical examiner system is divided into eight regions — the largest being led by the OCME with oversight for all cases by the OCME. The Mecklenburg County Medical Examiner’s Office and six other contracted autopsy centers are able to decide which counties they serve and what services they will provide, including whether or not they perform an autopsy on every case. When the Mecklenburg County ME’s office decided to drop Anson, Cabarrus and Union counties from their coverage area, those caseloads was absorbed by OCME.

“Our staff remains committed to serving the citizens of North Carolina and works diligently to perform examinations and complete reports to support law enforcement in their investigations and provide important answers to family members.”

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