

Case Report

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A Rare case of Death caused by Memorial structure: Discussion for Prevention

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Citation: Aleksandar Apostolov (2017), A Rare case of Death caused by Memorial structure: Discussion for Prevention. Int J Cri & For Sci 1:1, 18-21. DOI:10.25141/2576-3563-2017-1.0018

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Received September 07, 2017 **Accepted** September 20, 2017, **Published** September 27, 2017

Abstract:

This article presents a case study examining how a notion of safety provision must come to be considered by Bulgarian municipal cemetery managers in relation to memorial structures. It aims in assisting analysis of the primary processes by which safety guidance is discussed and integrated within the authorities in management of the memorial parks environment. A case of death from compression of a woman's body by a memorial structure and consecutive forensic medical examination at the Department of Forensic Medicine at University Hospital „Aleksandrovska” – Sofia, Bulgaria is presented. Consideration of literature references on the topic of policy and law impositions in Bulgaria and the European Union member states are also taken into account. In conclusion, the article implies that a simple proclamation of rules and guidance concerning memorial safety should be negotiated and accepted by public authorities as good practice

Key Words: Memorial Structures, Accident, Prevention

Introduction:

Gravestones, statues and other memorial structures are often simple and prudent, but the circumstances of their erection, abandonment and subsequent use raise questions about how safety is determined for such structures and the ways in which a balance comes to be found between safety and other priorities. The literature review has shown lack of systematic research on the topic of safety of memorial structures nowadays and their possible traumatic impact over the visitors and workers in Bulgarian cemeteries. In the recent years there were several cases of incidents reported in European Union member states. In an article Bennett, L. and Gibbeson C. have reported that for the last 30 years eight people have died due to accidents involving memorial structures in the UK (1). The issue with safety of memorial structures in English community cemeteries is subject to great interest in recent years (2,3,4,5,6). Two interviewees made passing reference to fatal tombstone accidents in Preston in 1992 and Liverpool in 1995, but it is the death of a six year old child, Reuben Powell, in Grove Road Cemetery, Harrogate in July 2000 that appears for most to have been the “trigger” of current concern about the risk posed by memorials (1). As a result certain measures to be taken have been discussed and instructions on improving the liability and safety of memorial structures have been given (7,8,9,10). In June 2012 a 4-year-old girl has died in a USA church cemetery under similar circumstances, after a part of memorial structure has fallen over

her (11). A small girl has died in the same manner after a memorial structure has fallen over her at a German cemetery (12). This article presents a case of 73-year-old who has died after being compressed by a memorial structure on 07.06.2014 at the Memorial park Bistritsa in Sofia, Bulgaria upon visiting the resting place of a relative of hers. The height of the deceased woman is 165cm and she was found at the place by other visitors of the memorial park. The memorial structure, measured 90/70cm with weight of 70kg, had fallen over her causing compression of the body.

Materials and Methods:

The present study uses the findings established during the forensic medical autopsy on the body of the deceased woman, the data gathered during the police investigation as well as graphic materials on a personal visit at Bulgarian and Scottish memorial parks. 3 Results Upon investigation at the scene and according to the gathered date in the course of the police investigation it was established that it was an accident. Most likely the accident occurred after the woman had fainted or had tripped in objects on the terrain after which she had grabbed on the memorial structure, causing the latter to fall over her (Fig.1). The autopsy examination on the woman's body has established an open head and brain trauma. Depressed fracture of the frontal bone as well as impressed fracture of the maxilla have been present. A fragment fracture of the left zygomatic bone and the same-side nasal bone have also been observed.

The brain trauma consists of contusion of the frontal lobe of the right cerebrum hemisphere. Suffusion with subcutaneous hematoma in the occipital area of the head have been encountered as well. In the areas above the fractures of the frontal and nasal bones lacerated contused wounds have been established. A traumatic injury with the appearance of band-like excoriation on the nose and left frontal area of the head has also been observed. Another autopsy finding has been the thorax trauma. It consists of six broken ribs on the right and four on the left side. The fracture lines on both sides have been projected into the same plane giving the overall appearance of being caused at one and the same moment form an object with wide contacting surface and equally distributed kinetic energy in all its area. Both lungs have been contused as well. On the skin wide suffusions on the posterior surface of the thorax and the lumbal area have been established. The standard autopsy section of the internal organs has identified brain and pulmonary edema as well as generalized atherosclerosis in the blood vessels, specifically affecting the coronary arteries. Additional tests have been held on blood samples from the woman's body. The results have been conclusive that neither alcohol nor drugs appear.

Figure 1: Crime scene at Memorial park Bistritsa in Sofia, Bulgaria.

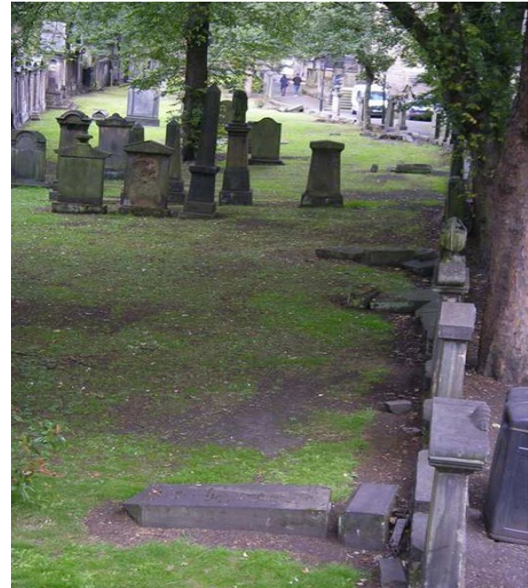


The cause of death has been concluded as compound trauma of the head, brain and thorax. Given the morphological characteristics of the traumatic injuries, their location and gravity, the traumas have been concluded as caused by blunt force, with wide contact surface. The mechanism with which the blunt object has acted is either by hit or by pressure. Both cause further pressure of the body towards the underlying terrain. The asphyxia, caused by immobilization of the thorax and abdomen, has served the manner of death as well. A personal visit to Scotland in the year 2015 has raised certain interest on the topic. During a tour in the ground of a notable memorial park, a sharing problem, consistent with the safety of memorial structures, has drawn attention (Fig.2, Fig.3). Displaced and neglected burial stones and plates have been encountered thus raising suspicions about the possibility another incident with such severity to occur there as well making the discussion on prevention and safety topical and necessary.

Figure 2: Memorial Park in Scotland.



Figure 3: Memorial park in Scotland – Memorial structures displacement.



Discussion:

In contemporary society the interpretation and application of public safety law is frequently subject to quick changes resulting in cautious and restrictive interpretation of legal requirements. The changes, in particular, are associated with reports and signals that more should be done in the aftermath of an accident. In all of those cases certain public attention has been drawn of the subject, forcing legal actions to be taken. It is believed that by such reactions, and the discussion with experts and ones tightly involved in the matter, management about adequate safety measures are being accomplished with more discretion and foresight. However, every single action taken may lead to negative effects on memorial parks

access. These effects, when combined with fear of media attention and criticism in case of an accident, and the understanding that modern society is nowadays more likely to plea compensation and remuneration in the event of an accident, lead to even greater caution in managing memorial parks and occasionally denying access to public space altogether. By this view, if left not handled, restraint of active actions towards safety and liability in these public areas may prevail. Whilst many commentators have stepped forward to answer the views described, there has been little research in Bulgaria to point out the effects of safety and liability fears within actual memorial parks management. As it has been established, the same issue is shared in other states also. This is why, the aim of this article is to raise discussion on memorial structures' safety and prevention on fatal incidents that might occur due to their neglect and constructive faults. The impact and interpretation of liability risk fears within municipal cemeteries in Bulgaria are taken into account. Memorial parks managers' accountability in Bulgaria regarding administering safe and sound environment for mourning visitors or passersby are set by the Law on Safety and Health at Work. In deciding their management strategies, it is the system of laws and policies that cemetery managers are attempting to interpret and apply to their specific sites. Many professional associations and other associations provide interpretations of what they regard as "reasonable" arrangement in specific circumstances. The ultimate choice is left to those who bare the responsibilities. In every single case there stands the risk that they will be sued and sought responsibility from if anything goes wrong. It is this broad opportunity for subjective interpretation about what the law requires. The probable tension between safety and the interests of the visitors and workers at Bulgarian cemeteries should inevitably be taken into account. The tension between relatives of the deceased and safety management can now be followed through a series of policy issues on memorial safety management over the years, especially in the UK. The case report described shows how the risk of injury from unstable memorials came to emerge as a point of specific concern, and how the lack of policy and guidance is disturbing. However, the main driver for certain steps towards change should be the discussions raised by members of the public, usually relatives of the deceased interred in the affected graves, and the local media. For example, following a mass laying down of gravestones in Stoke on Trent in England, UK, public reaction led to an independent inquiry and recommendation of compensation. In other parts of the United Kingdom, grieving relatives sought action either through the civil courts, as a claim for compensation for the costs of re-erecting their memorials, or rulings from the Local Ombudsman pleading maladministration on part of their local authority in its approach to memorial safety. Claims for compensation via the courts tend to occur in most of the member states of the European Union, with various, mostly unsatisfactory results for those who claimed the compensation. The juridical manner for coping with the mistrust of maladministration proved to be a more successful way of complaint. Quasi-judicial public law review functions were exercised in relation to complaints about local authorities' powers in Germany. Thus, local authorities were criticized for offensive management of the dangerous memo-

rials, failure to use properly trained staff and lack of prior discussion or at least notification of grave and memorial owners. Having in mind the sensitivity of the matter, and the challenge faced by local authorities in balancing memorial safety and the interests of the disposed, it must be discussed on how local authorities should manage the challenge of memorial safety well by carrying out necessary repair work in an indiscriminate and non-offensive manner. Still flattening a memorial may cause great offence and upset and should only be done where really necessary for public safety. At the same time such actions are at utmost importance and justified in order to prevent such fatal incidents. Even warning signs and temporary supports, if vulgarly or crassly installed, can have an adverse effect and might appear to disregard the feelings of bereaved people, their relatives and the wider community. That is why memorial safety risk should be seen in context - and the issue handled with the utmost sensitivity leading to conception of indisputable standards. All of this would aim prevention and minimizing the risk on fatal incidents occurrence caused by memorial structures.

Conclusion:

The issue of memorial safety illustrates the tensions that can arise between safety and conflicting drivers, in this case sensitivity to the bereaved. A guidance must be evolved more consensually - drawing together a number of interest groups and administrative officials, who then attempt to concept applicable laws and guidance into a more workable product for regulating the problem under examination. The case report shown proves that this problem must be handled promptly with the utmost caution. The personal experience and the literature references for cases of memorial structure neglect in other European Union member states broadens the boundaries of the issue and forms a concerning tendency of common overruling of personal safety in memorial parks. The wide discussion would bring public and expert attention to the matter which would actually affect further legislative and regulation actions thus making it possible for no more fatal incidents to occur and help preserving society member's lives.

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