



# Why medical examiners sometimes retain brains, other organs from deceased

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**Aaron Hernandez's defense attorneys Jose Baez and Ronald Sullivan held a press conference outside the medical examiner's office in Boston on Friday.**

By [Matt Rocheleau](#)

GLOBE STAFF APRIL 20, 2017

It's not unusual for medical examiners to retain organs from a body — such as the brain — for research, testing, or teaching.

The practice was [thrust in the spotlight Thursday](#) when the attorney of former New England Patriots star Aaron Hernandez accused the Massachusetts medical examiner's office of improperly withholding Hernandez's brain.

Hours later, the state medical examiner's office announced it would release the brain, saying it had withheld its release temporarily until the office had determined the cause and manner of Hernandez's death.

Dr. Brian L. Peterson, president of the National Association of Medical Examiners, said that the practice of medical examiners keeping the brain and other organs, sometimes permanently, for research or teaching purposes, while not uncommon now, was far more common decades ago.



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“Back when I started 30 years ago, we pretty much retained the brain in every case,” said Peterson, who is the chief medical examiner for Milwaukee County.

But medical examiners have shied away from keeping organs, especially permanently retaining whole organs, in recent years because they have faced lawsuits from loved ones who objected to the practice.

Medical examiners across the country are often underfunded and cannot afford to fight the legal battles.

“We don't have a ton of funding to keep the darn lights on,” said Peterson.

He said that while retaining the brain is “always the best scientific thing to do,” it’s not always possible because of the legal and financial risks.

“The controversy is more on the side of attorneys,” Peterson said. “On the scientific side, there’s always been good reason for doing it.”

The [practice](#) of medical examiners [keeping brains](#) and other organs has [ignited controversy](#) in recent years, including in [New York](#), according to media reports.

In 2015, New York’s highest court ruled that medical examiners don’t have to return to families all organs from autopsied bodies or even tell them parts are missing, [The Associated Press reported](#).

Peterson said that both the legality of keeping organs and the practices of medical examiners vary from place to place around the country and may be based on the outcomes of past lawsuits.

Instead of retaining whole organs, some offices may just keep pieces for study, which is less likely to draw objection or lawsuits from families.

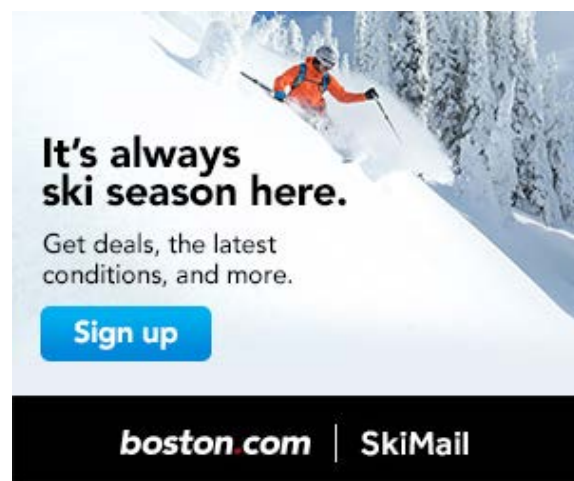
Peterson said that he will usually notify a family ahead of time if his office is interested in keeping a person’s organs for study.

“Because of this legal climate nowadays it’s best to talk to the families first,” he said.

Certain people’s organs can be more valuable than others for study — for example, the brain of a former NFL player to study for signs of chronic traumatic encephalopathy. Hernandez’s attorney has said Hernandez’s family wants Boston University to study his brain to see whether he had CTE.

Hearts can also be coveted by researchers because heart conditions are a common cause of death.

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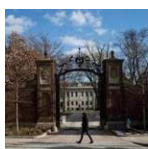
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## Mother of Conrad Roy III seeks \$4.2m in wrongful death suit against Michelle Carter



Lynn Roy says she is seeking damages “caused by the defendant’s negligence and wanton and reckless conduct.” [MORE...](#)

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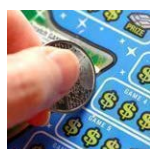
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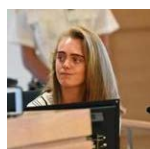
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