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By Supervisors Stamper, Lipscomb, Dimitrijevic, Bowen, Alexander, Harris, Mayo, Johnson, and Romo West

A RESOLUTION

relating to a new policy with respect to actions by the Medical Examiner in cases involving death of a person in law enforcement custody

WHEREAS, Milwaukee County has a Medical Examiner, who pursuant to Wisconsin State Statute 979.01 is required to investigate deaths that fall into a number of categories, including, but not limited to all deaths in which there are unexplained, unusual or suspicious circumstances; and

WHEREAS, the Milwaukee County Medical Examiner has an Autopsy Division which performs post mortem investigations; and

WHEREAS, many cases may be straightforward, but others present diagnostic challenges; and

WHEREAS, in cases for which the cause of death may be evident, challenges may seem presented based on the manner of death assignment; and

WHEREAS, some cases, such as a death of a person in custody of law enforcement often garner unusual agency or community scrutiny; and

WHEREAS, cases involving death of a person in custody of law enforcement officers warrant a more stringent process to include even more thorough and complete documentation, a peer review process, and sign-off by the Medical Examiner; now, therefore,

BE IT RESOLVED, the Milwaukee County Board of Supervisors hereby authorizes and directs the Medical Examiner to develop and implement a detailed policy outlining the process of investigating all cases of death in law enforcement custody, and in doing so will take into consideration the following suggested policy enhancements:

- 1) The Medical Examiner or staff investigator shall request any and all reports available from known or involved agencies (i.e. police department, District Attorney, etc.), including any and all available audio or video recordings.

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- 2) The Medical Examiner or staff investigator will document, report and record requests, including the receipt/denial or status of all reports and recordings.
- 3) All cases of death in custody of law enforcement will be subject to a peer review involving the Medical Examiner, all witnesses who signed on to the original review, and additional forensic and medical staff within the office.
- 4) A final Autopsy will not be issued without the documentation cited above.
- 5) The issuance of the final cause of death shall include the concurrence of the Medical Examiner, in the form of a sign-off, at the conclusion of the peer review process.

; and

BE IT FURTHER RESOLVED, that the Medical Examiner and Corporation Counsel are authorized and directed to study the Medical Examiner’s process of investigating death in law enforcement custody, and shall return to the County Board by the January 2013 Meeting Cycle with a report recommending how such changes, including the policy changes mentioned above, could be codified into the Milwaukee County Code of General Ordinances in language, which would not conflict with the Medical Examiner’s duties outlined in the Wisconsin State Statutes.