

SUSPENSION RESOLUTION

02/05/2013

By: Darius G. Pridgen, Ellicott District Councilmember

RE: Amanda Lynn Hearing with Erie County Legislature

Whereas: During the Legislative Meeting of the Common Council on January 29th 2013 speaker after speaker questioned the Erie County Corners Autopsy completed for Amanda Lynn Wienckowski's murder from January 9, 2009; and

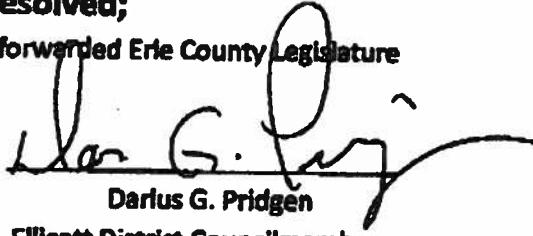
Whereas: The Committee heard from the victims friends, and community advocates in how seeming the Erie County Corner acted irresponsibly in completing the initial autopsy report, and how subsequent evidence was produced yet the Erie County Corner refuses to change the cause of death to allow the Law Enforcement to investigate the real cause of death which said by other Corners to be homicide; and

Now Therefore Be It Resolved;

That the City of Buffalo Common Council requests that the Erie County Legislature call for a hearing to investigate fully the Erie County Corners offices and the facts behind Amanda Wienckowski's report to finalize the real cause of her death for law enforcement to pursue the case immediately to bring to just the guilty parties.

Now Therefore Be It Further Resolved;

That this resolution be forwarded Erie County Legislature


 Darius G. Pridgen
 Ellicott District Councilmember

45.

RESOLUTION

- Sponsor:** Council Members Pridgen, Fontana, Smith, Russell, Franczyk, Golombek, LoCurto, Rivera, and Scanlon
- Subject:** Investigation of Erie County Medical Examiner's Office
- Whereas:** The Legislative Committee of the Common Council of the City of Buffalo held a public hearing regarding the death and autopsy findings of Amanda Lynn Wienckowski on January 29, 2013; and
- Whereas:** During this hearing, numerous discrepancies were noted between the Erie County Medical Examiner's findings and the findings of an independent medical examiner from California; and
- Whereas:** In spite of the vast disparity in findings between the two medical examiner's offices, as well as another independent autopsy review performed by a different New York State certified physician, the Erie County Medical Examiner has not amended the cause of death of Ms. Wienckowski from drug overdose to homicide; and
- Whereas:** A cause of death by the Erie County Medical Examiner of homicide would enable the Buffalo Police Department to conduct a full criminal investigation; and
- Whereas:** The Erie County Medical Examiner's Office has failed to provide a concrete reason as to why Ms. Wienckowski's death cannot be labeled a homicide and their inability causes doubt with respect to said county office; and
- Whereas:** The family of Ms. Wienckowski has been seeking closure to this tragic event for the past four years, which also leads this Council to wonder about the validity of other autopsies performed for those who do not have the same support system as this family.
- Whereas:** Over the past four years the Erie County Legislature has approved over \$10 million for the Erie County Medical Examiner's office without any answers regarding this particular case despite consistent public concern.

Now Therefore Be It Resolved:

That the Common Council of the City of Buffalo does hereby support Ms. Wienckowski's family in seeking justice for the decedent; and

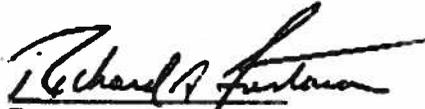
Now Therefore Be It Further Resolved:

That the Common Council of the City of Buffalo does hereby request that the Erie County Legislature expeditiously conduct a full and thorough investigation of the Erie County medical examiner's office to ensure that proper protocol was followed with the initial autopsy as well as with respect to challenged autopsy findings; and

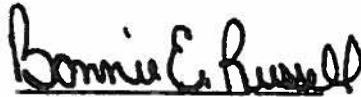
Be It Finally Resolved:

That copies of this resolution be sent to representatives of the Erie County Legislature.

46.



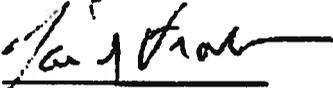
Richard Fontana
Common Council President
Lovejoy District Council Member



Bonnie E. Russell
President Pro Tempore
University District Council Member



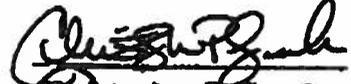
Demone A. Smith
Majority Leader
Masten District Council Member



David A. Franczyk
Fillmore District Council Member



Joseph Golombek, Jr.
North District Council Member



Christopher F. Scanlon
South District Council Member



Michael J. LoCurto
Delaware District Council Member

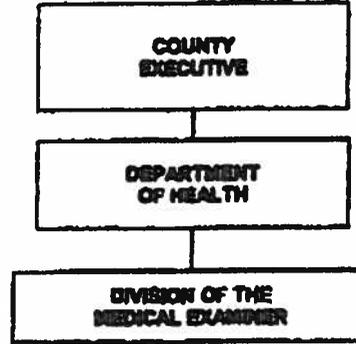


Darius G. Pridgen
Ellicott District Council Member



David A. Rivera
Niagara District Council Member

HEALTH MEDICAL EXAMINER



MEDICAL EXAMINER	2010 Actual	2011 Adopted	2011 Adjusted	2012 Adopted
Personal Services	2,314,766	3,039,345	3,039,345	3,047,931
Other	493,392	670,220	688,220	723,638
Total Appropriation	2,808,158	3,709,565	3,705,565	3,771,469
Revenue	<u>855,028</u>	<u>1,180,943</u>	<u>1,180,943</u>	<u>813,434</u>
County Share	1,853,130	2,518,622	2,514,622	3,158,035

OFFICE OF THE MEDICAL EXAMINER

DESCRIPTION

The Office of the Medical Examiner is organized into three sections: Forensic Pathology, Field Investigation, and Laboratory, including Forensic Toxicology and Histology.

As mandated by law, the Office of the Medical Examiner is responsible for investigating the death of any person who dies within Erie County as a result of criminal violence, neglect, casualty, suicide, or in any suspicious or unusual manner. Other cases investigated include those involving individuals who die suddenly when in apparent health or those unattended by a physician. The office also investigates deaths occurring while a person is confined in a public institution other than a hospital, infirmary or nursing home. Manners of death are classified as natural, accidental, homicide, suicide, or undetermined. Full forensic autopsies performed include an initial investigation, external and internal examination, toxicology, histology, and at times, expert testimony.

It is the responsibility of the office to generate death certificates as to cause and manner of death. The office also participates in the training programs for SUNY at Buffalo Medical School resident doctors and third and fourth year medical students; SUNY at Buffalo fourth year dental school students; Buffalo State Forensic Chemistry students; Hilbert College Forensic Science and Criminal Justice students; SUNY at Buffalo Anthropology students; and EMT students. Revenue enhancing activities are derived through contractual agreements with Niagara, Chautauque and Cattaraugus Counties for forensic autopsy services, and Chautauque, Cattaraugus and Jefferson Counties for forensic toxicology assistance.

Forensic Pathology

As mandated by law, the office of the Medical Examiner is responsible for investigating the death of any person who dies in Erie County. The office is charged with determining both the cause and manner of death.

Program and Service Objectives

- Provide comprehensive medico-legal services so as to determine cause and manner of death; identify, collect and preserve physical evidence; provide factual information to law enforcement agencies, prosecutors, defense attorneys, and relatives; protect the innocent as well as to assist in the prosecution of the guilty.
- Testify, as needed, in criminal and civil proceedings.
- Educate area physicians and medical residents in the appropriate signing of death certificates and types of cases reportable to the Medical Examiner's Office.
- Provide information and training in the death investigation process to medical students, police, and health care providers.
- Work towards developing an office that is National Association of Medical Examiners (NAME) accredited.

Top Priorities for 2012

- Provide information that is helpful to the taxpayers through on-line information and the annual report.
- Look for ways to increase efficiency and decrease costs without compromising the quality of services.
- Plan and prepare for pandemics and/or other public health disasters.
- Work towards office accreditation by the National Association of Medical Examiners.

Key Performance Indicators				
	Actual 2010	Estimated 2011	Estimated 2012	
Number of autopsies performed (Erie County)	620	630	630	
Number of autopsies performed (non-Erie County)	240	250	280	
TOTAL AUTOPSIES	860	880	910	
Number of Examinations (Erie County)	137	150	180	
Number of Inv/PMD- STORAGE (Erie County)	44	44	44	
Number of Investigated/PMD to Sign (Erie County)	1,261	1,261	1,280	
Number of Records Review (Erie County)	53	55	55	
Number of Storage (Erie County)	26	30	30	
Number of Investigated/Co-Sign (Erie County)	70	75	75	
Outcome Measures				
	Actual 2010	Estimated 2011	Estimated 2012	
Percentage of cases completed in 90 days	87.8%	80%	70%	
Cost per Service Unit Output				
	Actual 2010	Budgeted 2011	Budgeted 2012	
Average cost per autopsy	\$2,175	\$2,180	\$2,650	
Performance Goals				
	Estimated 2011	Goal 2012	Goal 2013	Goal 2014
To review all prisoner deaths at the bi-monthly quality review meeting	100%	100%	100%	100%

FIELD INVESTIGATIONS

The field investigations section of the Medical Examiner's Office provides 24 hours, 365 day per year continual coverage of all deaths reported to the Medical Examiner's Office. The deaths reported to the office are investigated over the telephone to determine jurisdiction. If Medical Examiner jurisdiction is established, a thorough and complete scene investigation, along with interviewing of family/witnesses, working with police/fire/EMS personnel, police report and medical records review, obtaining of hospital specimen, and collection of medications and paraphernalia for further testing, is initiated. An investigation report is completed prior to autopsy for review by the Medical Examiners and possible follow-up investigation. In-house activities include photography, fluoroscopy and assisting the medical examiners with autopsies.

Program and Service Objectives

- Develop a death investigation system that is supported by Scene Investigators.
- Increase efficiency by increasing cross coverage skills such that the investigators participate in a wider range of morgue activities.
- Educate the investigators to participate in compilation of statistics of office performance.
- Interact and confer with local, state and federal law enforcement agencies, physicians, medical facilities, funeral homes, District Attorney's Office, Federal Prosecutor's Office and others involved with this agency's investigation of a death of an individual.

Top Priorities for 2012

- Look for ways to increase efficiency and decrease costs without compromising the quality of investigative services.
- Strive for complete and thorough death investigations to assist in cause and manner of death determination and the furtherance of justice.
- Keep abreast of developing forensic technologies regarding medico-legal investigations.
- Work towards office accreditation by the National Association of Medical Examiners (NAME).
- Enhance staff knowledge in planning and preparation for pandemics and/or public health disasters.
- Enhance staff knowledge of technologies, research and disaster preparedness through participation in training, drills and conferences.
- Utilize the data generated at the Medical Examiner's Office for the purpose of research, public health education and the office annual report.
- Continue to expand upon and improve the internship/volunteer program as the Mass Fatality Sector of the Specialized Medical Response Team (SMART).

Key Performance Indicators

	Actual 2010	Estimated 2011	Estimated 2012
Number of Erie County deaths reported to the Medical Examiner's Office	2,211	2,250	2,260
Number of Erie County deaths accepted for investigation	1,375	1,400	1,400

Outcome Measures

	Actual 2010	Estimated 2011	Estimated 2012
Percentage of investigation reports completed by the time of autopsy	100%	100%	95%
Percentage of investigation reports completed by the time of autopsy	NA	100%	100%
Percentage of accuracy in data entry of cases and monthly reporting	NA	95%	100%

Cost per Service Unit Output

	Actual 2010	Budgeted 2011	Budgeted 2012
Full Investigation	\$410	\$410	\$558
Partial Investigation	\$165	\$165	\$224