

State of Wisconsin Legislative Council
Special Committee on the Powers and Duties of Coroners and Medical Examiners

October 13, 2005

Dear Committee Members:

I am writing to fully educate those of you who are on the council and are in part getting extremely biased information from Dr. D'Alessandro about coroners/medical examiners and the process of organ and tissue donation. The purpose of coroners/medical examiners is that of an **unbiased** position whose only interest is to uphold the law and determine cause and manner of death. In order to do that, we must perform autopsies on dead individuals. We have a duty to the populace to recover evidence, examine injuries and autopsy bodies, and later testify in court to explain our determinations. What Dr. D'Alessandro wants to do is to take away the decedent's last chance of an unbiased participant in his/her case by taking away the coroners and medical examiners' legal mandate of a decedent's body.

There are other ways to save lives than transplanting organs and tissue to those individuals who are in dire need. This office is committed to the organ and tissue donation/transplantation process and has been working successfully with numerous agencies including, but not limited to, LifeSource, the American Red Cross, and the American Tissue Services Foundation. We have the difficult job in determining when medicolegal cases can give up organs in lieu of potentially harming a criminal case and possibly losing said case. The ramifications of losing a case when someone is indeed guilty are the burden of sheriffs, policemen/women, the county attorneys, US attorneys, Federal attorneys and coroners and medical examiners. For Dr. D'Alessandro to cavalierly cast aside this very important part of the judicial process is careless. He does not think of the harm the public could potentially face if criminals are not brought to justice because evidence is lost in the donation process. If it seems I am being overly dramatic, perhaps I am, but tell that to family members who have lost loved ones because perpetrators were caught, released, and are now able to do harm to others. I assure you it is a real concern.

Our jobs are to deal with families who are in their darkest place. Sometimes family members do not know that in some instances organ/tissue donation is not the best avenue if they want a fair shake in the prosecution of their loved ones case. It is our job to be the voice of reason and preserve this evidence, sometimes despite family members wishes. Sometimes we have to do an autopsy against families' wishes, but again we have to be **objective** in getting data and information for a cause and manner of death that is what we as forensic pathologists are trained to do. Forensic pathologists have strict training in accredited institutions to become medical examiners. The American Board of Pathology insures that and the state medical boards require the same exact hours of Continuing Medical Education hours for us as other physicians. An individual who wants to become a forensic pathologist/medical examiner has to have a four year undergraduate degree, a medical degree, train in anatomic pathology with or without clinical pathology for four years, it may be three now, and spend an extra year training in the subspecialty field of forensic pathology for one year. After that, we too have to become certified, except for us we have to be certified in two fields, anatomic and forensic pathology, by taking nation wide exams. Medical examiners already get specialized training that has nation wide merit. The suggestion that a surgeon knows how to train a forensic pathologist better than the existing system is erroneous.

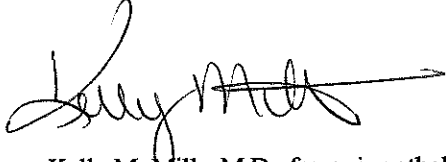
I have devoted all of my career/training to forensic pathology and to perform my duties in a thorough and compassionate way. The office where I work was actually built with a tissue/organ procurement room in it to hasten the donation process. This office has allowed tissue procurement on thirty bodies in the past five months alone. Of those cases, twenty were donated and because of that this office has saved or improved many lives. We refer many cases for donation and this office has a 70% donation rate for referred cases some of those cases were homicides. Does that sound like we are not willing to allow donation? To state that coroners/medical examiners are allowing many people to die for lack of allowing donation is inflammatory and false. We work through cases diligently to come to a conclusion. Our decisions are only as good as the information we are given. Typically cases like the girl who shot herself evolve over time, which was not on our side at the time organ donation was requested. The information I had available to me

at noon that day had not changed by 10 pm the night she had died. I did not get accurate police information that explained the situation to me until two days later. This is not unusual for a medicolegal case. Usually at the time of autopsy, coroners and medical examiners have bare minimum information and have to make critical decisions, sometimes life and death decisions like those for organ donation. If forced into making decisions without all of the background information, we tend to be conservative, which has been very beneficial in many cases where all of the pertinent information had not surfaced until days or *months* after the autopsy!

Of note, when coroners refer cases to forensic pathologists/medical examiners, the medical examiner does not have jurisdiction over the organs of their bodies. The coroners maintain that authority. We work hand and hand with the coroners who refer their cases to our office. We merely *advise* them as to what we would do with the case if it were in our county; therefore, the coroner always has the last word on donation. We have worked with numerous coroners who seek out our advice on special cases and have gone against our advice. Our relationships with those offices have not changed or been damaged because of differing views on organ donation. Again, we do not mandate over the organs/bodies in their counties.

I encourage those of you on the board to thoroughly think through what you are being told. Carefully consider the importance of death investigation for law enforcement before allowing surgeons or organ procurement agencies with no training in the ever-changing field of forensic pathology to make critical decisions for your deceased constituents with disregard for the judicial process. Who's to say that those decisions won't have a grave outcome? What if it was your loved one? Would you really want a person with a vested interest in the organs to possibly interfere with the legal process of your beloved? Coroners and medical examiners serve the taxpayers. Wouldn't you want an unbiased, trained person to make those critical decisions in the best interest of your loved one?

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly Mills", with a long horizontal flourish extending to the right.

Kelly M. Mills, M.D., forensic pathologist
Assistant Medical Examiner
Ramsey County Medical Examiner's Office