

**CITY OF BALTIMORE
COUNCIL BILL 09-0134R
(Resolution)**

Introduced by: Councilmembers Conaway, Young, Henry, Branch, Kraft, D’Adamo, Clarke,
Middleton, Welch

Introduced and read first time: June 15, 2009

Assigned to: Public Safety and Health Committee

REFERRED TO THE FOLLOWING AGENCIES: Police Commissioner, Mayor’s Office of Criminal
Justice

A RESOLUTION ENTITLED

1 A COUNCIL RESOLUTION concerning

2 **Informational Hearing – Office of the Chief Medical Examiner**
3 **and the Baltimore Police Department – Cause of Death**

4 FOR the purpose of inviting the Chief Medical Examiner to report to the City Council on the
5 number of persons in Baltimore City whose cause of death remains undetermined each year
6 and requesting the Baltimore Police Commissioner to explain the Department’s involvement
7 in the classification of deaths that are the subject of police investigation.

8 **Recitals**

9 The Office of the Chief Medical Examiner’s overview of circumstances that require the
10 office’s services is: “A death certificate must be completed by a doctor for all deaths before the
11 body can be sent to the funeral home. When the person has a family doctor and dies from
12 natural causes, the doctor can complete the death certificate. But if the person is not under the
13 care of a physician or the death appears to be suspicious or unusual, the medical examiner must
14 be notified to begin an investigation and make sure the death certificate is completed.”

15 While the duties of the Medical Examiner’s office appear to be clear in theory, the media has
16 reported that this is not the case in practice in this City where the cause of hundreds of deaths
17 cannot be determined. This past year a report addressing how the City’s Police Department
18 keeps its list of homicides pinpointed an ongoing controversy while not “getting into an
19 accusation that surfaces from time to time that the City is hiding bodies by convincing the state’s
20 chief medical examiner to keep them in the “pending” or “undetermined” category to either
21 delay their entrance into the murder count or keep them off permanently.”

22 Another report in May of this year again addressed the issue by pointing out that Police
23 homicide detectives had already classified 186 deaths as pending because they could not quickly
24 be ruled homicides due to a lack of evidence or ambiguous circumstances. The detectives were
25 waiting either for a ruling from the medical examiner’s office or additional information on the
26 cause of death. The report included information that of the 462 pending cases in 2008, 194 are
27 still classified as pending according to police records. The report went on to state that Baltimore
28 City averages roughly 300 undetermined deaths per year – a majority involving drug or alcohol
29 intoxication.

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

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1 While the Police Department may report an average of 300 “undetermined” or “pending”
2 causes of death, this does not correspond to information reported in the Annual Reports of the
3 Office of the Chief Medical Examiner. In 2006, the office reported a total of 4323 autopsies; of
4 these, the causes of death were found to be 359 suicides, 579 homicides, 863 undetermined, 973
5 accidents, and 1540 natural deaths. In 2007, of the 4126 autopsies there were 348 suicides, 579
6 homicides, 857 undetermined, 901 accidents, and 1431 natural deaths.

7 The reason for the discrepancy may be the definitions utilized by the Office of the Medical
8 Examiner and the Police Department. The Medical Examiner’s office is determining a medical
9 cause while law enforcement is determining legal intent. Whatever the case, the result is a
10 public that constantly questions whether or not they are being told the real story about murderers
11 in their midst. It is time to address this pervasive mistrust.

12 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the
13 Chief Medical Examiner is invited to report to the City Council on the number of persons in
14 Baltimore City whose cause of death remains undetermined each year, and the Baltimore Police
15 Commissioner is requested to explain the Department’s involvement in the classification of
16 deaths that are the subject of police investigation.

17 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Mayor, the
18 Chief Medical Examiner, the Baltimore Police Commissioner, the Director of the Mayor’s
19 Office on Criminal Justice, and the Mayor’s Legislative Liaison to the City Council.