

District Four Medical Examiner Search Committee
Minutes
Meeting April 4, 2019

Attendance

Members: State Attorney Melissa Nelson, State Attorney Jeffrey Siegmeister, Funeral Director Rose Walker, Sheriff Mark Hunter, Sheriff Bill Leeper, Public Defender Blair Payne, Public Defender Charles Cofer, Chief Assistant Public Defender Lewis Buzzell, Jacksonville City Councilman Sam Newby, Florida Medical Examiners Commission Chairman Dr. Stephen Nelson (via telephone).

Non-members: First Assistant Stephen Siegel, City of Jacksonville Director of Employee Services Diane Moser, SAO4 Communications Director David Chapman.

Dr. Victor Weedn, Georgetown University professor of forensic sciences, was the first candidate to be asked questions by the committee. Weedn began by providing a short introduction about himself, his educational background, and his work experience. Weedn said he was looking to head a reasonably large office and, given his reputation and experience, could wait to be selective.

A committee member asked what his assessment was of the current Medical Examiner's facility. Weedn said it is clear there is a need for a new building and that he has been part of the administrative process of transitioning from an old to a new building. He said that with population growth and rising caseloads, the \$16 million building budget did not seem sufficient.

A committee member asked when Weedn last performed a homicide autopsy or autopsy and if he had done any on high-profile deaths. He said October 2018 at the Washington, D.C., Medical Examiner's Office when he was in a part-time position. As for high-profile, he said he did not perform the autopsy on Freddie Gray in Baltimore, but was with colleagues at the time.

A committee member asked when the last time he served as an expert witness, what his expertise is, and his philosophy for substitute testimony. Weedn said he was last asked to be an expert witness in a bite-mark analysis. His field is forensic science and includes terminal ballistics. With autopsy reports and photos, Weedn said he would be able to form an independent opinion as it relates to substitute testimony.

A committee member asked Weedn if he had any issues with Florida being a Frye state. Weedn said Frye vs. Daubert standards are not terribly different, but he expected to see more challenges to forensics.

A committee member asked Weedn how he would handle a case in which evidence has changed over time. Weedn said that has real-life consequences and he would notify every party if it resulted in a change of position.

A committee member asked Weedn about his approach to how he memorialized autopsies. Weedn said he personally typed his reports.

A committee member asked Weedn about his philosophy on making and taking calls from family members of those who have died. He said that is a huge part of the position. He cited an example of a mass disaster and how the largest component is family and whether they are satisfied.

A committee member asked what he expected the major challenges to be of the job. Weedn said initially his concern was that if he was an independent contractor, he would have responsibility without authority over staff. That concern has been alleviated. He said he thought the upcoming building budget of \$16 million was low. Weedn also said there should be an additional forensic pathologist. When a committee member asked about the extent that he would perform autopsies, Weedn said he did not believe in a chief doing full-time autopsies because they also have an administrative role and should work to improve the office. Weedn discussed a desire to create a fellowship program to train and provide jobs for more people in the field, a step that also can assist in workloads. Students, he said, ask questions and make staff better.

Asked how he measures success, Weedn said it is difficult to assess but quality of the work product and office morale are keys.

A committee member questioned the practice of private autopsies. Weedn said he did not intend to do private autopsies, but intended on doing some consulting. He does not expect to do a lot of consulting and would not want it to interfere with the office.

Weedn talked about the importance of talking to families when they lodge objections to autopsies being performed, but ultimately needing to do the job.

A committee member asked Weedn about his stance on organ and tissue procurement. Weedn discussed talking to families and ensuring quality.

When asked about a potential start date, Weedn said he did not yet have a Florida medical license.

A committee member asked Weedn how he would handle the media, as the office does generate some public interest. Weedn said he intended to work with them.

A committee member asked how Weedn would structure a day. He responded by saying a typical day elsewhere begins with a meeting among staff in the morning, followed by autopsies and paperwork in the afternoon. He would want to learn the process in place.

Weedn said he does not think he is a micromanager and there is a difference between an individual physician's opinion versus an office opinion — and that he would want to protect the office and have no problem making a final decision.

A committee member asked about a time when Weedn made a bad decision and how it was handled. He responded that during his younger days he placed a body into a tub and the body turned to oil. It was tremendous mess and he decided to finish the case the next day, which turned out to be the wrong decision. He learned from that mistake, he said.

Weedn was asked who he would meet with in the first month if he secured the position. He said all of the stakeholders at the table.

A committee member asked how long he would stay in the position if hired. Weedn called it his terminal job.

A committee member asked how the committee would know they made a great hire. Weedn responded that it isn't visible, but if there were no problems, then that is success.

A committee member asked that the current medical examiner is a "cutting" pathologist who maintains a high caseload — how would that be addressed? Weedn said he did not want to spend his last years being just a cutting chief and that he would be doing some autopsies, pitching in when needed. He said he wouldn't do as many as the current chief medical examiner, but would do some and did not want to commit to a number.

Asked how he would handle investigators who want to observe an autopsy, Weedn said he liked to teach.

The committee asked if Weedn had any questions, to which he asked why there was no one present from the Department of Health.

Dr. Marius Tarau, Deputy Medical Examiner of Jackson County, Missouri, was the next to be interviewed by the committee. He provided a brief introduction about himself.

A committee member asked Tarau for his impression of the current facilities, to which he said he was not impressed. He said he did not have any input on a new facility, so long as it accommodates the office's workload.

A committee member asked about the last time he performed a homicide autopsy, to which he responded "last week" — Kansas City had 192 homicides last year, he said.

A committee member asked Tarau how many times had he been called to testify, what was his expertise, and would he have an issue with substitute testimony. Tarau responded that over the past 12 years, he estimates he has been called 60 times time. He said he is a forensic pathologist and that while he has never had to substitute testify, he would have no issue with it if he had access to reports.

A committee member asked Tarau what he would do if he later learned about evidence that changed his conclusion on a report. Tarau said in Kansas City, the medical examiner can amend a death certificate once and any additional changes have to be approved by a judge. He said he would tell the proper parties of changes.

A committee member asked Tarau about his process for memorializing autopsies. He said he uses a Dictaphone that is then uploaded for a transcriber to work with before he finalizes a report once all tests are completed.

A committee member asked about working with family members who lost loved ones. Tarau said sometimes he has to, although his office has investigators and family coordinators who help. Sometimes family members do not accept results. He used suicide as an example, which he believes is the majority of those calls. He said he would have no problem calling families.

A committee member asked what key challenges he sees with the office and how has he familiarized himself with the office. Tarau said he did internet research and that his approach would be to come in and learn about the office and processes from staff. He said in the beginning it is easier for a chief to fit in with an office rather than the office fitting into a chief. He said from a public relations standpoint, the public is sensitive to mistakes as well as the idea a chief could “double dip” by doing consulting on the side.

A committee member asked Tarau about organ procurement. Tarau said his office has a good relationship with organ and tissue organizations.

A committee member asked about objections to autopsies due to religious reasons. Tarau said he has never had to deal with the issue but would consult legal counsel if he ever did.

A committee member asked what cases in Kansas City do not require an autopsy. Tarau said the office does not perform autopsies on non-suspicious suicides and most traffic cases. The office has three doctors and a chief. The office brought in nearly 1,800 bodies, but did 800 autopsies.

A committee member asked Tarau how he handled investigators and law enforcement when they wanted to observe an autopsy. He said he explains the process.

A committee member asked Tarau whether he ever testified for the defense, to which he said yes. As a follow-up, Tarau was asked if there would be a problem if the defense questioned how he came to any conclusion. Tarau said no, as that was the nature of the job.

A committee member asked if he would have a problem doing autopsies in addition to his administrative work. Tarau said no.

When asked if Tarau had questions for the committee, Tarau asked who the chief medical examiner reports to, to which the response was the city’s chief administrative officer. The position also is guided by the state Medical Examiner’s Commission. Tarau also asked if there was any law in Florida that allowed families to challenge medical examiner’s findings. There is not, the committee said.

Dr. Boguslaw Pietak, interim chief of Jackson County, Missouri, was the final candidate to be interviewed by the committee. He provided a brief introduction about himself.

A committee member asked about his impression of the current facility and plans moving forward. Pietak said the current facility has “quite a lot of space” with the recent purchase of a

trailer for bodies, but eventually it would run out of space. For the goal of providing excellent service to the Fourth Circuit, proper funding would be needed, he said.

A committee member asked Pietak when he performed his last homicide autopsy. Pietak said “last week.” The pathologists rotate days. He said eight years ago, Kansas City had 80 homicides per year, but the number has risen to nearly 200 — a trend he did not like.

A committee member asked if he had any controversy with an autopsy, what was his expertise, and whether he was comfortable with substitute testimony. Pietak said that nearly 20 years ago while he was in Detroit, he did not have all of the information from an investigator and ruled a death accidental that was later found to be a homicide. Pietak said his expertise was in forensic pathology and that he was comfortable with substitute testimony if provided with reports and enough time to prepare.

A committee member asked Pietak what he would do if new evidence and facts changed his conclusion about a finding. He said would amend his report and inform all the parties involved with the case.

A committee member asked about his autopsy process. Pietak said the process has changed over the years, but he prefers to use a Dictaphone that is then transcribed.

A committee member asked Pietak about how he handles calls from family members. He said it is a “very important part of the job” and the goal is to provide the best death investigation possible, which includes interacting with family members who need answers.

A committee member asked Pietak about what he thought were key challenges for the office and how he would handle them. Pietak said one major goal would be for the office to maintain accreditation and it was important to follow the policies and procedures to maintain that accreditation.

A committee member asked that, as interim chief currently, why seek out the chief position in Northeast Florida. Pietak said that he was seeking the job because he is an interim at the moment, wanted to be closer to the East Coast where his family lived, and was concerned about the potential privatization of the Jackson County office.

A committee member asked about his stance on organ and tissue procurement. Pietak said he is very proactive on that front and the office had positive relationships with several organizations.

A committee member asked Pietak if he ever had any instances of autopsy denials or objections. Pietak said he has not had many family objections and that it is important to communicate with family members during that time.

A committee member asked Pietak when he could start the position, to which he said he needed to obtain a Florida medical license.

A committee member asked Pietak how he would handle media scrutiny for the office. Pietak said he hoped to stay out of the media by having the office perform great work and that, if a negative issues comes up, he would handle it.

A committee member asked whether he would be a chief who performs autopsies. Pietak said he would be a chief who did autopsies.

A committee member asked Pietak how long he planned to stay, to which he said "as long as possible."

A committee member asked Pietak how he formed relationships. He said relationships were important with "everyone," including staff, to maintain respect.

A committee member asked if he saw any benefit to the office having a toxicology and DNA-testing lab. Pietak said he did not believe the time lapse was bad here and, with labs popping up, he did not see it necessary to spend funds on a lab.

A committee member asked Pietak if he had any issue with a defense attorney calling him for information. Pietak said no.

The committee then discussed the three candidates and their qualifications before deciding to submit Dr. Weedn and Dr. Pietak to the Medical Examiners Commission for consideration, with Pietak ranked ahead of Weedn.