

NO. 31-25-OR

ORDINANCE

An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending the Administrative Code of Allegheny County, Part 2, entitled "Organization and Structure of County Government," Article 201, entitled "Organization of County Government," in order to establish a protocol for expeditious autopsies of individuals who died in the custody of the Allegheny County Jail.

Whereas, on May 17, 2005, the voters of Allegheny County approved an amendment to the Home Rule Charter and accompanying amendments to the Administrative Code of Allegheny County via referendum; and

Whereas, these amendments, *inter alia*, provided for the conversion of the elected Allegheny County Coroner to an appointed Medical Examiner, and established the powers and duties of that Medical Examiner in provisions now codified at §5-201.05 of the Administrative Code; and

Whereas, the provisions of §201.05 clearly and unambiguously establish that "[t]he Medical Examiner shall have all of the powers, functions, and duties previously vested in the elected office of Coroner as set forth in 16 Pa. Stat. §§ 4232-48 and 4250, including without limitation the power of inquest and the power of subpoena, as of the date that the office of Medical Examiner becomes effective."; and

Whereas, among these provisions of Commonwealth law, 16 P.S. §4235.1(a) establishes that "[r]equests for examinations or other professional services by other counties or persons may be complied with at the discretion of the coroner pursuant to guidelines established by the county commissioners."; and

Whereas, it is the judgment of Council that the reference to the "county commissioners" in the context of the County's Medical Examiner must be deemed to refer to the legislative body of the County, insofar as the Medical Examiner's powers and duties have unambiguously been established within the Administrative Code since the position was created; and

Whereas, the plain language of §4235.1(a) thus provides for oversight of the Medical Examiner's examinations and other professional services by the legislative body of the County; and

Whereas, pursuant to the provisions of 16 P.S. §4236(a), the Medical Examiner must also “investigate the facts and circumstances concerning deaths which appear to have happened within the county, regardless where the cause thereof may have occurred, for the purpose of determining whether or not an autopsy should be conducted or an inquest thereof shall be had, in the following cases:...deaths occurring in prison, a penal institution or while in the custody of the police....”; and

Whereas, as noted in Subsection (b) of §4236, “[t]he purpose of the investigation shall be to determine the cause of any such death and to determine whether or not there is sufficient reason for the coroner to believe that any such death may have resulted from criminal acts or criminal neglect of persons other than the deceased.”; and

Whereas, pursuant to Commonwealth Law (specifically 61 Pa.C.S.A. §1724(a)), the Allegheny County Jail Oversight Board has a duty to safeguard inmates health and well-being: “ [t]he board's administrative powers and duties shall include the operation and maintenance of the prison and all alternative housing facilities, the oversight of the health and safekeeping of inmates and the confirmation of the chief executive's selection of a warden.”; and

Whereas, §1724(b) also requires that the Jail Oversight Board “...ensure that the living conditions within the prison and alternative housing facilities are healthful and otherwise adequate.” and

Whereas, it is the judgment of Council that the efforts of Allegheny County and its Jail Oversight Board to meet their statutory duties with regard to the health and safety of inmates at the Allegheny County Jail would be greatly enhanced by the receipt of investigation and autopsy information from the County Medical Examiner as soon as possible after a death of anyone in the custody of the County Jail takes place;

The Council of the County of Allegheny hereby enacts as follows:

SECTION 1. Incorporation of the Preamble

The provisions of the preamble to this Ordinance are hereby incorporated in their entirety by reference herein.

SECTION 2. Amendment of the Code

The Administrative Code of Allegheny County, Part 2, entitled “Organization and Structure of County Government,” Article 201, entitled “Organization of County Government,” is hereby amended as follows:

§ 5-201.05. Office of the Medical Examiner.

- A. The Office of County Coroner is abolished effective the first business day of January 2006.
- B. The Chief Executive shall appoint a Medical Examiner, who shall serve a fixed term of five years, commencing on the first business day of January 2006.
- C. The Medical Examiner shall:
 - (1) Hold either a Medical Doctor degree or a Doctor of Osteopathy degree from an
accredited institution;
 - (2) Possess a valid license to practice medicine in the Commonwealth of Pennsylvania;
 - (3) Be board certified, or board eligible, by the American Board of Pathology in forensic pathology; and
 - (4) Have had at least five years of experience as a practicing pathologist.
- D. The Medical Examiner, after expiration of his or her term, may be reappointed.
- E. The Medical Examiner may be removed for cause by the Allegheny County Court of Common Pleas after having been provided with a copy of the charges against him or her for at least 10 days and full hearing by the Court.
- F. If a vacancy shall occur by reason of death, disqualification, resignation, or removal, the Chief Executive shall appoint a successor to fill the remainder of the Medical Examiner's unexpired term.
- G. The Medical Examiner shall have all of the powers, functions, and duties previously vested in the elected office of Coroner as set forth in 16 Pa. Stat. §§ 4232-48 and 4250, including without limitation the power of inquest and the power of subpoena, as of the date that the office of Medical Examiner becomes effective.
- H. In accordance with the duties established under the terms of 16 Pa.Stat. §4236(a), the Medical Examiner shall, to the fullest extent permissible under applicable provisions of Federal and Commonwealth law and regulation and practicable in light of other duties imposed by those laws and regulations, prioritize the investigation of the cause of death and, if appropriate, autopsy of any individual who died in the custody of the Allegheny County Jail. The Medical Examiner shall forward final reports detailing the cause and manner of death, autopsy, and toxicology findings that result from such investigations to the Warden of the Allegheny County Jail, the members of the Jail Oversight Board, and the Allegheny County Manager within three (3) business days of their completion. For the purposes of this Subsection, an individual shall be deemed in the custody of the Allegheny County Jail if either:
 - 1. The death occurred while the individual was physically detained within the Allegheny County Jail; or

2. The death occurred while the individual was not within the Allegheny County Jail, but would have been physically detained in that facility if not for the medical condition that resulted in the individual's death.

SECTION 3. Severability. If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.

SECTION 4. Repealer. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.

PRIMARY SPONSOR: COUNCIL MEMBER HALLAM

CO-SPONSORS:

Enacted in Council, this 16th day of December, 2025,

Council Agenda No. 13738-25

Patrick Catena
President of Council

Attest: _____
Jared E. Barker, Chief Clerk
Allegheny County Council

Chief Executive Office December 22, 2025, 2025

Approved: _____
Sara Innamorato
Chief Executive

Attest: _____
John Fournier