

MOTION BY SUPERVISOR MICHAEL D. ANTONOVICH JANUARY 19, 1982

In the aftermath of recent media descriptions of causes of death by the Chief Medical Examiner-Coroner, my office received many letters and telephone calls from constituents who expressed concern about such comments. The thrust of this concern was that the Coroner had gone beyond the scope of his purpose in the substance of his remarks regarding the circumstances surrounding these deaths. I share the same sentiments.

While the death of a public figure is newsworthy, such a tragedy must be treated with dignity and respect for the deceased and for the family and friends who have suffered great personal loss. We must not forget their grief. Death is not an occasion for editorializing or sensationalism.

I, THEREFORE, MOVE that the Board of Supervisors instruct the Chief Medical Examiner-Coroner that the policy, when describing the cause of death, will be one confined to the facts, the determination of the physiological cause of death, and that such disclosures will be treated with dignity and respect and without sensationalism or editorializing.

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Dr. ...

JAN 19 1982

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MOTION

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| Antonovich | _____ |
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MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

James S. Mize, Executive Officer
Clerk of the Board of Supervisors
383 Hall of Administration
Los Angeles, California 90012

Chief Medical Examiner-Coroner

At its meeting held January 19, 1982, the Board took the following action:

80

On motion of Supervisor Antonovich, seconded by Supervisor Dana, unanimously carried, the Board instructed the Chief Medical Examiner-Coroner that the policy, when describing the cause of a death, will be one confined to the facts, the determination of the physiological cause of death, and that such disclosures will be treated with dignity and respect and without sensationalism or editorializing.

Copies to:

Each Supervisor
Chief Administrative Officer
County Counsel

MOTION BY SUPERVISOR MICHAEL D. ANTONOVICH DECEMBER 29, 1981

In stories which were published yesterday and Sunday, the Los Angeles Times has raised numerous issues regarding the operation of the Office of the Chief Medical Examiner-Coroner. Of special concern in these articles were allegations of improper procedures involving the handling of evidence and decedents' property, and errors in the accuracy of scientific test results. The Times' stories raised other concerns as to possible improprieties relative to the Chief Medical Examiner's involvement in non-County related programs and organizations.

The Coroner's Office is an integral component of our criminal justice system. Proper handling of evidence, thorough autopsies, and accurate scientific testing are essential to the successful prosecution of murder cases.

I believe it is the responsibility of this Board to ascertain whether or not the concerns raised by the press are factual, and if they are, to identify and implement any corrective measures necessary.

701
Dr. Noguchi
See

I, THEREFORE, MOVE, THAT the Board of Supervisors instruct the Chief Administrative Officer to:

1. Conduct a review of all operations of the Office of the Chief Medical Examiner-Coroner, with specific attention to be given to evidence and property handling, scientific testing procedures, and criteria for determining whether or not autopsies are performed. This review should include an assessment of additional manpower and/or equipment needs.
2. Review Dr. Noguchi's affiliation with private organizations

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and foundations, to determine if any improprieties exist in such affiliations.

4. Report the findings to the Board by March 1, 1932.

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3. Request CAO to develop a panel of forensic and homicide experts from LAPD and LASO ^{and outside experts} to review the forensic capabilities of the C.M.E.



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

James S. Mize, Executive Officer-
Clerk of the Board of Supervisors
383 Hall of Administration
Los Angeles, California 90012

Chief Administrative Officer

At its meeting held December 29, 1981, the Board took the following action:

103

On motion of Supervisor Antonovich, seconded by Supervisor Edelman, unanimously carried, the Board instructed the Chief Administrative Officer to conduct a review of all operations of the Office of the Chief Medical Examiner-Coroner, with specific testing procedures, and criteria for determining whether or not autopsies are performed and an assessment of additional manpower and/or equipment needs and review Dr. Noguchi's affiliation with private organizations and foundations to determine if any improprieties exist in such affiliations.

The Board further instructed the Chief Administrative Officer to develop a panel of forensic and homicide experts from the Los Angeles Police Department and the Los Angeles Sheriff Department and outside experts to review the forensic capabilities of the Chief Medical Examiner-Coroner and report findings by March 1, 1982.

Copies distributed
Each Supervisor
Chief Medical Examiner-Coroner
Sheriff Department



BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

383 HALL OF ADMINISTRATION / LOS ANGELES, CALIFORNIA 90012

JAMES S. MIZE, EXECUTIVE OFFICER
RICHARD A. SCHOENI, ASST. EXEC. OFFICER
(213) 974-1411

MEMBERS OF THE BOARD

PETER F. SCHABARUM
KENNETH HAHN
EDMUND D. EDELMAN
DEANE DANA
MICHAEL D. ANTONOVICH

January 8, 1982

Chief Daryl Gates
Los Angeles Police Department
150 N. Los Angeles Street
Los Angeles, CA 90012

Dear Chief Gates:

On motion of Supervisor Michael D. Antonovich, at its meeting held December 29, 1981, the Board of Supervisors instructed the Chief Administrative Officer to develop a panel of forensic and homicide experts from the Los Angeles Police Department and the Los Angeles Sheriff Department and outside experts to review the forensic capabilities of the Chief Medical Examiner-Coroner and report its findings by March 1, 1982.

Very truly yours,

JAMES S. MIZE

MOTION BY SUPERVISOR YVONNE BRATHWAITE BURKE July 24, 1980

Al Bock, a reporter for the Santa Monica Evening Outlook newspaper was struck by a car in the early morning hours of June 14 and died of massive head injuries at Cedars -Sinai Medical Center on June 15. Without any identification, Mr. Bock's body was sent to the County morgue where he became "John Doe 179" for 23 days.

Mr. Bock's wife filed a missing person report on June 17 with the Los Angeles Police Department, which notified the Los Angeles Sheriff's Department.

Meanwhile, morgue officials sent copies of fingerprints taken from "John Doe 179" to Sacramento for possible identification. On June 23, word came back that "John Doe 179" was Al Bock. A teletype was sent to the Sheriff's Department, which was to forward the information to the morgue where there is no teletype. But the teletype was not forwarded and "John Doe 179" remained unidentified.

Mrs. Bock forwarded her husband's dental records to the mortuary for checking against the bodies lying unidentified. But no check was ever made. Mrs. Bock even went to the morgue on July 3 to attempt to identify one body, but that was "John Doe 211" and not her husband.

- M O R E -

B/E MOTION JUL 24 1980

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~~Hahn~~ _____

Edelman _____

Burke _____

~~Ward~~ _____

See # 18
Carol


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How many other families become the innocent victims of improper and insensitive identification procedures? How much extra suffering is inflicted by needless bureaucratic mistakes?

I, THEREFORE, MOVE that the Board of Supervisors order the Chief Administrative Officer and the County Coroner to investigate the circumstances surrounding the lengthy delay in identifying Mr. Al Bock's body, review the current body identification procedure, recommend to the Board possible improvements in the system, and provide a preliminary report to the Board in 14 days and a completed report to the Board in 30 days.

(8-7-80) (8-21-80)

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MOTION

SCHABARUM
HAHN
EDELMAN
BURKE
WARD

LAW OFFICES

ISAAC & MARKS FILED

A PROFESSIONAL CORPORATION

315 SOUTH BEVERLY DRIVE
SUITE 300

BEVERLY HILLS, CALIFORNIA 90212

(213) 278-1366 AND 879-0155

April 21, 1982

82 APR 22 10:05

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

GODFREY ISAAC
ROSALIND MARKS

OF COUNSEL
ROBERT L. MILLER

Hon. Peter F. Schabarum
Chairman of the Board
Board of Supervisors
County of Los Angeles
856 Hall of Administration
Los Angeles, CA 90012

70-1
Dr. Noguchi

RE: THOMAS T. NOGUCHI, M.D.

Dear Mr. Schabarum:

Dr. Noguchi and I are in receipt of the letter of intent to demote the Chief Medical Examiner - Coroner of Los Angeles County to the position of Physician Specialist, M.D. effective April 28, 1982. Although you have enumerated the grounds for the proposed demotion, they appear to be sham and subterfuge.

Supervisor Antonovich is reported to have made statements to the press that he will be submitting data from the administrative investigation to the District Attorney. Recently, the District Attorney rejected such offer as insufficient. It therefore appears that the Board will stop at nothing and will exceed the bounds of decency to inflict their will on Dr. Noguchi. We believe that the District Attorney is a responsible prosecutor and knows the distinction between prosecution and persecution. Some members of the Board apparently do not distinguish between the two. The District Attorney should not be used as a tool to demote or discharge an employee and certainly not, as the Board has attempted, to intimidate a responsible, respected and law-abiding department head.

I wrote to Harry Hufford on March 15, 1982 and to the Civil Service Commission on April 5, 1982 (copies of which are enclosed) answering the first six grounds asserted

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Hon. Peter F. Schabarum
April 21, 1982
Page Two

as a basis for demotion. Little would be served by elaborating on our previous meeting and answers. As to the seventh ground asserting that Dr. Noguchi required Eli Lilly & Co. to make a donation to some foundation before giving access to certain records, the allegation is false and made by you as a further attempt to embarrass the Chief Medical Examiner.

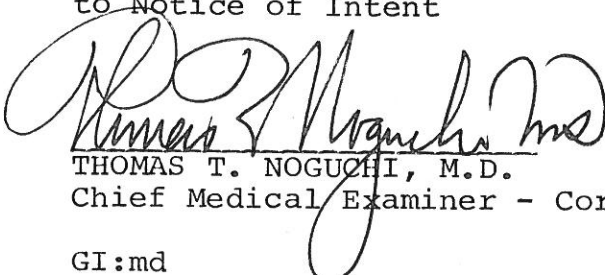
Nothing will be gained by further meetings with the Board in executive session since our last meeting was designed by the Board for purely cosmetic reasons and only Supervisor Hahn had an open mind. There is no proper or adequate foundation upon which Dr. Noguchi can be demoted.

Sincerely,



GODFREY ISAAC

Accepted and Approved
and Adopted as Response
to Notice of Intent



THOMAS T. NOGUCHI, M.D.
Chief Medical Examiner - Coroner

GI:md

cc: Supervisor Kenneth Hahn
Supervisor Edmund D. Edelman
Supervisor Deane Dana
Supervisor Michael D. Antonovich
Chief Administrative Officer
County Counsel
William Masterson, Esq.

GODFREY ISAAC
ROSALIND MARKS

OF COUNSEL
ROBERT L. MILLER

LAW OFFICES

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BEVERLY HILLS, CALIFORNIA 90212

(213) 278-1366 AND 875-1111

April 5, 1982

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BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

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CIVIL SERVICE
COMMISSION

COUNTY OF
LOS ANGELES

Civil Service Commission
County of Los Angeles
222 North Grand Avenue
Los Angeles, CA 90012

RE: THOMAS T. NOGUCHI, M.D.

Gentlemen:

THOMAS T. NOGUCHI, M.D. hereby appeals his suspension of thirty calendar days, effective as of March 29, 1982. He requests a Hearing before the Civil Service Commission. This appeal is based upon the improper, arbitrary, calculated and discriminatory action of the Board of Supervisors.

When questions were raised about the operation of the office of Chief Medical Examiner - Coroner, the Board asked outside experts to investigate Dr. Noguchi's Department. The Board of Supervisors chose one Chief Medical Examiner out of the many available in the United States. That forensic pathologist, Dr. Leslie Lukash, M.D., Chief Medical Examiner of Nassau County, New York, is a respected professional with impeccable credentials. Dr. Lukash concluded: "The County must realize that, in order to elevate the Coroner's Office to a position of excellence, it must provide the economic support to reassure the Chief Medical Examiner and his staff of its confidence in the existing management team to enable them to carry out the necessary changes. "It is my feeling that Dr. Noguchi, Mr. Wilson, and Dr. Cornbloom (sic.) are doing the best job possible after consideration is given to whatever resources are currently available." (Emphasis added.) Dr. Lukash' report was made available to the Supervisors before they wrongfully suspended Dr. Noguchi. The Grand Jury of Los Angeles County made an independent audit of Dr. Noguchi's department and felt so strongly in support of Dr. Noguchi that they called a press conference to criticize the Board of Supervisors. Several members of the Board then spent "two hours" with grand jury members with the avowed purpose of manipulating the conclusion of the grand jury. Some may interpret that as obstruction of justice.

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Civil Service Commission

County of Los Angeles

April 5, 1982

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The physician staff of Dr. Noguchi overwhelmingly supported him and sent a petition so indicating to the Board of Supervisors. The Board received telegrams and letters supporting Dr. Noguchi. With the above support of Dr. Noguchi from the Board's own chosen expert, the County Grand Jury, the forensic pathologists and others, the Board saw fit to do what it wanted to do and carried out its pre-determined decision and wrongly suspended the Chief Medical Examiner - Coroner. The action of the Board was transparent and improper. This can be characterized by one Supervisor's reported comment on the one week delay of suspending Dr. Noguchi when the Supervisor stated to the press that it would not look good to suspend Dr. Noguchi right after the Grand Jury's publicized support of the Coroner.

On March 12, 1982, Dr. Noguchi was advised, in writing, that the Chief Administrative Officer requested the District Attorney of Los Angeles County "to review the factual material developed from the administrative investigations to determine whether a criminal investigation should be initiated." The District Attorney later reported that the material did not warrant an investigation.

The County attempted to go so far as attempting to prosecute Dr. Noguchi as a criminal merely to try to remove him from office. The reason for the County's improper, insidious and frightening improprieties was that, in truth and in fact, they have no sufficient grounds on which to suspend or discharge Dr. Noguchi. If the merit system and Civil Service are to survive and if the vested rights of Dr. Noguchi are to be protected, the Civil Service Commission must find Dr. Noguchi's suspension to be improper and reinstate him with full back pay. There are those who state that because the Commissioners are appointed by the Supervisors, they will vote with the Board no matter what the evidence proves. We believe that the Civil Service Commission has the capacity to render an independent judgment and will not allow this inequity to exist.

The Board of Supervisors appear to be attempting to invade the independence of the Medical Examiner. They desire to control that office. It is essential to the proper administration of justice that the Chief Medical Examiner not be subject to pressure from politicians. The Coroner must be free to render impartial opinions and to call for inquests where he deems it appropriate and necessary. Politics must be kept scrupulously separate from such

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Civil Service Commission
County of Los Angeles
April 5, 1982
Page Three

matters as the death of Ron Settles or the inquest called to investigate the Ben Weingart situation. Political instructions inhibiting the Chief Medical Examiner may constitute obstruction of justice.

Dr. Noguchi responds to the grounds for suspension as follows:

1. His management of the Department has not been deficient. There are many changes that could be made and there are conditions that are correctable with proper funding, personnel and equipment. However, attention is called to the conclusion of Dr. Lukash which the County has in its possession: "Again, I wish to categorically emphasize that the incumbent Chief Medical Examiner and his staff are doing an excellent job in operating the Medical Examiner's Office after recognition is given to the resources available to him at the present time."

2. Dr. Noguchi has had an open relationship with the Chief Administrative Officer and with Supervisor Antonovich to the extent necessary or required. In 1976, Dr. Noguchi requested a management review because there were some problems and he sought assistance. Dr. Noguchi's Department compares favorably with other County Departments.

3. Dr. Noguchi's "outside activities" are matters for which many, including Supervisor Antonovich, who is in charge of the Coroner's office, have highly praised him. Dr. Noguchi has a keen interest in earthquake disaster prevention. In the event of serious earthquake, the work Dr. Noguchi is doing as chairperson of the Coroner's Service Committee of the Governor's Task Force may save literally tens of thousands of lives in Los Angeles County. In that event, he will be a hero. His efforts are to save lives and benefit the living.

Outside activities have always been allowed and were part of the inducement by the County to get first rate physicians and others to work for County pay, which is substantially less than that of private physicians at the same level. The Board, itself, has and does recognize this. To attack Dr. Noguchi for outside activities is an exercise in hypocrisy, while they are ratifying its appropriateness with relation to others.

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Civil Service Commission
County of Los Angeles

April 5, 1982

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4. Dr. Noguchi is charged with inappropriate delegation of certain functions. To illustrate Dr. Noguchi's so-called "poor judgment" in his choice of Ronald L. Kornblum, M.D. as Chief of the Forensic Medicine Division, the Board has named Dr. Kornblum as acting Chief Medical Examiner - Coroner of Los Angeles County. It would seem that the Board, in fact, approves of Dr. Noguchi's choice. The Chief Deputy Coroner has been Richard Wilson, formerly with the Chief Administrative Officer's department, and his designation was approved by both the Department of Personnel, County Counsel, the Chief Administrative Officer and the Board of Supervisors.

5. Dr. Noguchi has rendered some outside services on a fee basis. This has been allowed, and even encouraged, by the County. He was permitted to engage in 24 hours of outside activities for pay, each week. In any one year, the time which Dr. Noguchi so spent was a fraction of that to which he was entitled. He has continuously reported these activities to the County and they cannot condone and allow it for years and now seek to use it against him.

6. As Chief Medical Examiner - Coroner of Los Angeles County, Dr. Noguchi has had a duty to the public to report on the deaths of prominent movie celebrities. The media interest in such deaths is brought about by public demand to know what caused these tragedies. It is the duty of the Coroner to investigate the facts and circumstances surrounding death. The Coroner's report then, by law, becomes public. The news people literally pursue the Coroner for some statement. Failure to make a statement leads to unfounded incorrect and sometimes unfortunate rumors being circulated. It is the responsibility of the Coroner to determine what he should report. Apparently, the Board does not like and has used as a "charge" statements of Dr. Noguchi characterizing the Board Order about public statements. The Order speaks for itself. The First Amendment of the Constitution of the United States guarantees free speech. Coroners are not excluded from that constitutional provision.

This letter is not intended to cover every evidentiary detail, but rather as a summary of the basis for Dr. Noguchi's appeal. Obviously, at the Hearing, numerous witnesses and many documents will be involved.

Sincerely,

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By

LAW OFFICES

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Civil Service Commission
County of Los Angeles

April 5, 1982

Page Five

Accepted, Approved & Adopted
as Notice of Appeal

THOMAS T. NOGUCHI, M.D.

GI/TN/md

cc: James A. Mize
W. A. Masterson, Esq.

LAW OFFICES

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A PROFESSIONAL CORPORATION
315 SOUTH BEVERLY DRIVE
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BEVERLY HILLS, CALIFORNIA 90212
(213) 278-1366 AND 879-0105

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BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

GODFREY ISAAC
ROSALIND MARKS
OF COUNSEL
ROBERT L. MILLER

March 15, 1982

Harry L. Hufford
Chief Administrative Officer
County of Los Angeles
Los Angeles, California

RE: THOMAS T. NOGUCHI, M.D.,
CHIEF MEDICAL EXAMINER - CORONER

Dear Mr. Hufford:

This is a response to the letter of intent which you sent to Dr. Noguchi on March 12, 1982. You have stated that Dr. Noguchi will be suspended for thirty days effective March 19, 1982. Please be advised that Dr. Noguchi desires to and does demand all rights, appeals, discovery and hearings to which he is entitled pursuant to the Civil Service Rules, the laws of the State of California, pertinent court decisions and the Constitution of both California and the United States of America. Any suspension or termination will be discriminatory, arbitrary, wrongful and unlawful and will violate his vested rights in his position.

Dr. Noguchi responds, in part, to the charges as follows:

1. In 1976, Dr. Noguchi requested the Chief Administrative Officer to conduct a management review of his department. The major recommendation was to have a strong administrative deputy responsible for centralized administrative direction. The Chief Administrative Officer presented Dr. Noguchi with a list of five projects to choose from. Dr. Noguchi chose Richard Wilson, who had been with the C.A.O. and other departments. Since then, Mr. Wilson has been performing the functions recommended by the Management review of November, 1976. Later, with the consent of the C.A.O. and approval of the Board, Mr. Wilson was reclassified Chief Deputy Coroner. To the extent practical and with the available funding, many of the recommendations were followed.

2. The Los Angeles Times did a series of articles on the Department commencing in December, 1981. There may have been problems in the Coroner's office but the classification of them as

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Harry L. Hufford
March 16, 1982
Page 2

"critical" is more journalistic and political than actual. Before the newspaper articles, discussion had been had between Dr. Noguchi and the C.A.O. but none considered the condition of the office "critical". In fact, during 1981, Harry Hufford congratulated Dr. Noguchi and Mr. Wilson on the good work they were doing.

3. Dr. Noguchi did have some activities outside of the management of his department. Many of those activities benefited the County of Los Angeles and are expected of dedicated public officials. As an example, Dr. Noguchi serves as chairman of the Coroner's Service Committee of the Governor's Task Force on Earthquake Preparedness. His efforts on that committee may save innumerable lives in the event of an earthquake disaster. He is also President-Elect of the National Association of Medical Examiners. Apparently, Dr. Noguchi is being discriminatorily singled out for condemnation.

There were occasions when Dr. Noguchi testified elsewhere for compensation. This is allowed under Los Angeles County procedures. Supervisor Kenneth Hahn stated on the record during the Board meeting last week that the Board must take some responsibility for any confusion with reference to that rule. In any event, Dr. Noguchi is willing to devote full attention and energy to his office, other than such activities as may be approved by the Board or on regularly allowed vacations. Neither the Los Angeles Times, Frank Sinatra nor other casual observers are qualified to determine proper procedures.

4. Richard Wilson was reclassified Chief Deputy Coroner with the approval of the C.A.O.'s office, the Department of Personnel and the Board of Supervisors. His duties are managerial. Chief of the Forensic Medicine Division is Ronald L. Kornblum, M.D., a qualified forensic pathologist and former Chief Medical Examiner of Ventura County.

5. Outside activities have been discussed in Paragraph 3. above. In addition, the long hours, the nights and weekends that Dr. Noguchi has worked are being ignored. However, he pledges full attention to the department and compliance with appropriate Board directives.

6. Medical examiners from other jurisdictions have reviewed statements by Dr. Noguchi with reference to recent celebrity deaths

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Harry L. Hufford
March 16, 1982
Page 3

and found them within the boundaries of acceptable comment. Entertainers such as Frank Sinatra have expressed their views. The Board may be interested in the contrary view reflected in a statement by Dana Andrews, former President of the Screen Actors Guild and in a letter dated March 8, 1982 from the Executive Director of the National Council on Alcoholism, copies of which are enclosed.

The matters contained in your March 12, 1982 letter and its attachments relate to the operation, management and conduct of the Office of the Chief Medical Examiner - Coroner. To insure fairness and to have a reasonable and meaningful review of the Department and the charges, Dr. Noguchi requests that a panel of forensic experts be assembled. The majority of the panel may be chosen by the Board of Supervisors and the balance by Dr. Noguchi. The panel should be impartial and composed of Chief Medical Examiners of metropolitan areas. These forensic pathologists have the background and experience necessary to judge Dr. Noguchi.

It is important to identify those problems within the Department that are the proximate result of insufficient funding, inadequate equipment and understaffing. Dr. Noguchi may be a victim of the financial exigency felt throughout the County.

Dr. Noguchi requests that he not be suspended. A thirty day suspension will be harmful to the Department and the County. Since you have requested that the District Attorney review your administrative material, we believe you are attempting to improperly involve the District Attorney in an effort to justify your unwarranted actions. It would appear that you are attempting to intimidate Dr. Noguchi and artificially erode his national reputation. Your action is in the nature of a threat and I am advising the District Attorney of our views.

Therefore, I have advised Dr. Noguchi not to meet in executive session with the Board of Supervisors. The Notice of Intent to suspend the Chief Medical Examiner - Coroner should be rescinded. If rescinded, Dr. Noguchi will meet with the Board for meaningful discussions directed toward a mutual effort to insure

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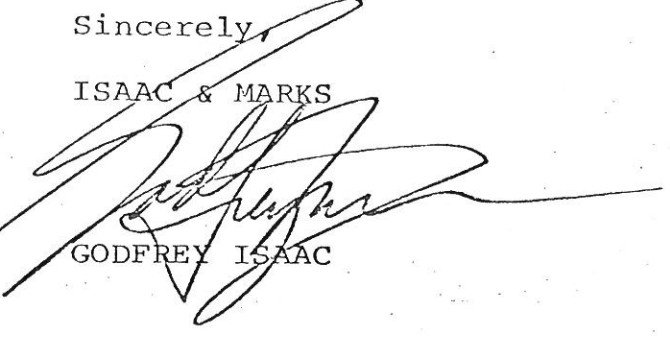
A PROFESSIONAL CORPORATION

Harry L. Hufford
March 16, 1982
Page 4

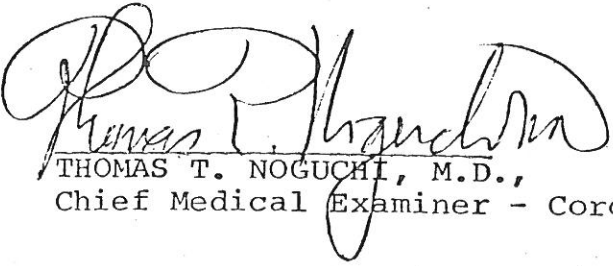
that Los Angeles County has an exemplary Department of Chief Medical Examiner - Coroner.

Sincerely,

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GODFREY ISAAC

Accepted and Approved
and Adopted as Response
to Notice of Intent.


THOMAS T. NOGUCHI, M.D.,
Chief Medical Examiner - Coroner

GI/TN/md
Enclosures