




BOARD OF
SUPERVISORS AGENDA
LETTER

Agenda Number:

Clerk of the Board of
Supervisors 105 E. Anapamu
Street, Suite 407 Santa
Barbara, CA 93101
(805) 568-2240

Department Name: CEO
Department No.: 012
For Agenda Of: May 12, 2015
Placement: Administrative
Estimated Time: NA
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: CEO Office: Mona Miyasato, County Executive Officer 
Contact Info: Tom Alvarez, Budget Director
Greg Chanis, Assistant Director, General Services

SUBJECT: Response to 2014-2015 Grand Jury Report: All Districts

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence: N/A

Recommended Actions:

That the Board of Supervisors:

- A. Adopt responses in Attachment A as the Board of Supervisors' response to the 2014-2015 Grand Jury report entitled *Santa Barbara County Sheriff-Coroner's Bureau-Still an Unhealthy Environment*, Attachment B;
- B. Authorize the Chair to sign the letter included in Attachment A and forward the letter and responses to the Presiding Judge of Santa Barbara County Superior Court; and
- C. Determine pursuant to CEQA Guidelines 15378(b)(4) that the above actions are not a project subject to CEQA review, because it is a government fiscal activity that does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

Summary Text:

In February 2015, the Santa Barbara County Grand Jury published a report entitled *Santa Barbara County Sheriff-Coroner's Bureau -Still an Unhealthy Environment*. At the May 5, 2015, Board meeting, your Board directed staff to make changes to the proposed Grand Jury response and return with an Administrative Item on May 12, 2015. Staff has addressed the concerns expressed at the meeting and is requesting that the

Board adopt the revised response and authorize the Board Chair to sign the response letter. The Board is required to respond in writing to the Presiding Judge of the Superior Court by May 15, 2015.

Background:

On February 2, 2015, The Santa Barbara County Grand Jury (Grand Jury) released a report entitled *Santa Barbara County Sheriff-Coroner's Bureau-Still an Unhealthy Environment*, which investigated the Sheriff Coroner's Bureau. In preparing their report, the Grand Jury reviewed a FY 2012-13 prior Report, (*The Manner of Death—A Final Diagnosis*) on the facility and interviewed senior staff members from the Department of General Services and the Sheriff's Office. The report concluded that, in the opinion of the Grand Jury, the Sheriff's Coroner's Bureau facility should be replaced as soon as possible or remodel an existing facility to comply with *California Code Regulations; Title 8, Sections 5144, 5193 and 5199*. Additionally, the Grand Jury concluded that the County had not funded the recommendations of the Mechanical Engineering Consultants (MEC) Report (estimated at \$100,000 to \$125,000) and that major additional renovations are needed to the current facility to handle airborne infectious diseases.

The Board of Supervisors is named as a responder to Findings 1 and 2, as well as Recommendations 1a, 1b and 2. The Sheriff's Office was asked to respond to Findings 1 through 7 and Recommendations 2 through 7.

Fiscal and Facilities Impacts:

Staff anticipates approximately \$100,000 to \$125,000 in costs to implement the recommendations of the MEC Report. These funds will be allocated from maintenance funding provided to General Services in their FY 2015-16 appropriations.

Special Instructions:

1. As per Recommendation B, please forward the original signed letter and responses to the Presiding Judge of Santa Barbara County Superior Court.
2. Please send a copy of the signed letter and a copy of the minute order to Richard Morgantini, Fiscal & Policy Analyst, CEO's office.

Attachments:

Attachment A: Board of Supervisors Response

Attachment B: Grand Jury Report; *Santa Barbara Sheriff-Coroner's Bureau – Still an Unhealthy Environment*

Attachment C: Sheriff's Office response to Grand Jury report *Santa Barbara Sheriff-Coroner's Bureau -Still an Unhealthy Environment*.

Attachment D: Grand Jury Report (FY 2012-13); *Santa Barbara Sheriff-Coroner's Bureau – A Manner of Death-A Final Diagnosis*

Attachment E: MEC Report

SALUD CARBAJAL
First District

JANET WOLF
Second District, Chair

DOREEN FARR
Third District

PETER ADAM
Fourth District, Vice Chair

STEVE LAVAGNINO
Fifth District



BOARD OF SUPERVISORS
County Administration Building
105 East Anapamu Street
Santa Barbara, CA 93101
Telephone: (805) 568-2190
www.countyofsb.org

COUNTY OF SANTA BARBARA

May 12, 2015

Honorable Arthur A. Garcia
Presiding Judge
Santa Barbara Superior Court
Santa Maria Juvenile Court
4263 California Blvd
Santa Maria, CA 93455

Reference: Response to Santa Barbara Civil Grand Jury report titled, “*Santa Barbara Sheriff-Coroner’s Bureau –Still an Unhealthy Environment*”, (Published February 10, 2015, Grand Jury Website).

Judge Garcia:

Please find attached the Santa Barbara County Board of Supervisors (Board) response to the above- referenced Civil Grand Jury Report. As directed by the Grand Jury, all responses are provided in accordance with Section 933.05 of the California Penal Code.

The Board appreciates the critical investigative work conducted by the staff of the Sheriff-Coroner’s Bureau. County residents deserve sensitive, thorough and accurate cause of deaths determinations. We are gratified the Grand Jury found Bureau staff to be cooperative and collegial.

Lastly, the Board acknowledges the Grand Jury’s continued concerns about the Sheriff-Coroner’s facility and appreciates their investigation in this matter.

Sincerely,

Janet Wolf, Chair
Santa Barbara County Board of Supervisors

CC: Santa Barbara County Board of Supervisors
Sandi Miller, Foreman, 2014-15 Santa Barbara Civil Grand Jury

Attachment A

Santa Barbara County Board of Supervisors
Response to the Santa Barbara County Grand Jury 2014-2015 Report
“Santa Barbara Sheriff-Coroner Bureau- Still an Unhealthy Environment”

Finding 1

The Sheriff-Coroner's Bureau facility does not comply with California Code Regulations; Title 8, Sections 5144, 5193 and 5199.

The Board partially disagrees with the finding.

Mechanical Engineering Consultants (MEC) performed a study of the Sheriff-Coroner’s Bureau facility in October 2013 (MEC Report). Regarding the ventilation in the autopsy lab area, the MEC Report indicated a negative pressure in the lab area of -0.29” WC and reported the exhaust air flow at 28 air changes per hour, which is more than adequate to meet the requirement of 12 air changes per hour. The MEC Report did identify several deficiencies in the ventilation system including a disabled make-up air unit, an undersized air conditioning unit and exterior exhaust ducting which does not comply with current code for this type of facility. Additional deficiencies were identified in the office and locker room areas of the facility.

Despite the systems condition, the Coroner’s Unit personnel are able to temporarily mitigate the deficiencies and increase their comfort while working in the facility. The work-around creates airflow within the autopsy lab by opening an exterior door, while simultaneously running the autopsy lab exhaust fan. In addition, the Sheriff’s office has purchased Powered Air Purified Respirators. The *California Code Regulations* (CCR) referenced in Finding 1 cover a wide range of operational, personal safety and facility related issues. The Board partially disagrees with Finding 1 because 8 CCR §5144 makes clear that the County can comply, through use of appropriate respirators, when protecting County employees from occupational diseases that might be caused by breathing contaminated air.

Nevertheless, we understand these are short-term mitigations, and will be making ventilation improvements as outlined in the MEC Report. General Services (GS) has recently contacted MEC to obtain an up to date cost estimate for the work scope identified in the MEC Report and expect that estimate to be in the \$100,000-\$125,000 range. With anticipated, new maintenance funding appropriations in the Fiscal Year 2015-2016 Budget, General Services will complete the work scope identified in the MEC Report in Fiscal Year 2015-2016, with an estimated start date of summer of 2015, subject to MEC revisions.

Recommendation 1a

That the Santa Barbara County Board of Supervisors fund the construction of a new coroner's facility under the "health and safety prioritization" directive of the Board of Supervisors Facility Condition Assessment Reports to become compliant with infectious disease control regulations .

The recommendation requires further analysis.

As stated above, the initial plan is to implement the recommended ventilation improvements as outlined in the MEC Report. After these capital improvements are made, the facility and work environment can be re-assessed. In the meantime, GS will work with the CEO and Sheriff's departments to develop a Capital Improvement Project (CIP) for the refurbishment of an existing facility or the construction of a new facility. A project will be added to the FY 2015-2000 CIP and will be further refined in the coming year. The CIP description will address the Coroner's needs, recommend a location and estimate the construction and ongoing maintenance costs. This project can then be evaluated by the Board of Supervisors for consideration of its necessity and ultimate funding.

Recommendation 1b

That the Santa Barbara County Board of Supervisors identify and fund an existing building that could be used to perform the functions of the Coroner's Bureau in a manner compliant with infectious disease control regulations.

The recommendation requires further analysis.

See Board response above to Recommendation 1a above.

Finding 2

The Sheriff-Coroner's Bureau facility does not have the mechanical and structural systems including negative air pressure which are necessary for the control of infectious diseases, removal of noxious odors and dilution and expulsion of contaminants from the entire facility.

The Board partially disagrees with the finding.

Although the MEC Report found several deficiencies in the ventilation system at the Coroner facility, the critical elements of negative pressure and adequate air exchange rates were found to be in compliance with current standards. Coroner's Unit personnel have implemented mitigating measures to increase their comfort level while working in the facility; however, the Board and the Sheriff's Office agree these mitigations are not a viable mid-to-long term solution to address the current condition of the ventilation system. The County will proceed with making the recommended ventilation improvements as outlined in the MEC Report to improve these mechanical systems.

Recommendation 2

That the Santa Barbara County Board of Supervisors make funds available to upgrade the structural and mechanical systems of the existing coroner's facility to become compliant with infectious disease control regulations to protect the health and safety of County employees and the public.

The recommendation has not been implemented, but will be implemented in the future.

The County will proceed with making funds available for the recommended ventilation improvements as outlined in the MEC Report to improve these mechanical systems. The estimated cost is \$100,000-\$125,000. After these capital improvements are made, the facility and work environment can be re-assessed. In the meantime, GS will work with the CEO and Sheriff's departments to develop a Capital Improvement Project (CIP) for the refurbishment of an existing facility or the construction of a new facility. A project will be added to the FY 2015-2000 CIP and will be further refined in the coming year. The CIP description will address the Coroner's needs, recommend a location and estimate the construction and ongoing maintenance costs. This project can then be evaluated by the Board of Supervisors for consideration of its necessity and ultimate funding.

SANTA BARBARA SHERIFF-CORONER'S BUREAU Still an Unhealthy Environment

SUMMARY

The 2012-13 Santa Barbara County Grand Jury's report on the operation of the Santa Barbara Sheriff-Coroner's Bureau (Bureau) found the Bureau in need of an upgrade. Subsequently, in response to the report, the Bureau concluded that it was not in compliance with the *California Code of Regulations (CCR); Title 8, Section 5199* Occupational Safety and Health Administration (Cal/OSHA) regulations to conduct autopsies.¹ The 2014-15 Santa Barbara County Grand Jury (Jury) has determined the operation of the Bureau is still noncompliant and deficient in six specific areas: policy, training, equipment, facility, testing and documentation.

BACKGROUND

California Government Code section 27491 requires the Sheriff-Coroner to determine the circumstances, manner and cause of death in a wide range of cases, including those where the deceased was not under the care of a physician. Deaths in which a physician is not able to state the cause of death may require an autopsy. *California Government Code Section 27491* grants the Bureau authority to determine the extent of investigation for all reported deaths. Santa Barbara Deputy Coroners are sworn peace officers under *California Penal Code Section 830.5*.

Since the Jury's 2012-13 report, the Santa Barbara County Board of Supervisors (BOS) and the Sheriff-Coroner have been aware of the Bureau's deficiencies as they relate to the control of Airborne Infectious Diseases (AirID), such as tuberculosis (TB), meningitis, and other communicable diseases. The BOS in its February 11, 2014 updated response to the 2012-13 Grand Jury report stated that, "Health and safety concerns identified through the facility condition assessment will be given high priority for funding."

The BOS commissioned Jorgensen Associates to prepare a facility condition assessment of all facilities within the County. The Jury understands the Facility Condition Assessment Report (Jorgensen's Report) fails to consider the \$130,000 recommended in the October 2013 study by Mechanical Engineering Consultants, Inc., directed by the BOS. The Jorgensen's Report recommended only \$13,200 of repairs to the Coroner's Facility. None of the projects identified by Jorgensen relate to the ventilation system.

¹ www.dir.ca.gov/title8/5199.html

SANTA BARBARA SHERIFF-CORONER'S BUREAU

The extensive structural and mechanical upgrades to the facility have not been approved or budgeted by the BOS. It has recently been suggested to the Jury that it is sometimes less expensive to replace facilities than to renovate them.

The Board of Supervisors established the Bureau as a part of the Sheriff's Office in 1947. The current facility was built with inmate labor in 1987 for less than \$100,000.² There is no evidence the facility was constructed in compliance with appropriate standard building codes. The physical facility is in immediate need of structural and mechanical improvement to become compliant with *CCR Title 8 (Industrial Relations), Division 1 (Department of Industrial Relations), Chapter 4 (Division of Industrial Safety), Subchapter 7 (General Industry Safety Orders), Group 16 (Control of Hazardous Substances)*. The overall layout, infrastructure and fixtures prevent effective infection control, causing potential cross contamination between the autopsy room and the rest of the building area. The wood and particle board cabinetry, refrigerators, and other equipment in the autopsy room cannot be properly sanitized. The ventilation system continues to be a major concern.

Mechanical Engineering Consultants, Inc. was contracted to perform a study of the ventilation system in response to a prior Jury's report³ regarding lingering noxious odors, lack of proper ventilation and improper air conditioning. The costs were estimated at \$130,000 to repair the ventilation system.⁴ However, the study also revealed the existing heating, ventilation and air conditioning (HVAC) system consists of one unit for the entire facility. When the HVAC is running, odors and airborne pathogens circulate throughout the entire building. The ceiling of the building is not compartmentalized and the HVAC does not properly separate air distribution or introduce fresh air to the treatment room and the administrative office. The distribution of contaminated air, fumes and odors poses a major health concern with the potential spread of communicable diseases, and exposure to formaldehyde.

METHODOLOGY

The Jury reviewed the duties and functions of the Bureau by interviewing staff, visiting the location, and reviewing various documents including policies, procedures, training syllabus, equipment, testing procedures, the physical structure of the facility, and the Mechanical Engineering Consultants, Inc. report.

² 2012-13 Grand Jury Report, "Sheriff-Coroner's Bureau" www.sbcgj.org

³ Ibid

⁴ Mechanical Engineering Consultants, Inc. Report, October 11, 2013 to BOS

SANTA BARBARA SHERIFF-CORONER'S BUREAU

OBSERVATIONS AND ANALYSIS

The work force at the Bureau is composed of a chief medical examiner contracted from Ventura County, a lieutenant supervisor, four Deputy Coroners, a sergeant, two retired part-time pathology assistants and one administrative support staff.

Approximately 150 autopsies are performed each year, 50 percent from north and 50 percent from south county. A "typical" autopsy takes approximately 1.5 hours to complete. There are two storage units on site with the total capacity of 16 bodies.

Policy⁵

It is the policy of the Santa Barbara County Sheriff-Coroner's Office to protect the health and safety of its employees by:

- Eliminating hazardous exposures where possible
- Minimizing hazardous exposures that cannot be eliminated
- Avoiding placing employees into an environment of potential workplace hazards
- Requiring the use of Respiratory Protection Equipment

The greatest deficiencies relate to the control of Airborne Infectious Disease (AirID) and protecting employees and visitors in the facility. The current structure is not adequate for performing high-risk autopsies on known or suspected AirID cases. These cases require negative air pressure rooms and the use of Powered Air Purifying Respirators (PAPR), which are not available to staff. Thus, these cases are currently referred to an out-of-county Coroner's Bureau.

Proper controls and protocols are established by *CCR Title 8, Sections 5144, 5193 and 5199* to ensure personnel working in any facility conducting autopsies are not exposed to infectious diseases when procedures are conducted on high risk cases of TB, other airborne infectious diseases, and blood-borne pathogens. Currently the Bureau does not have proper ventilation, nor does it routinely test its personnel for TB exposure or monitor for formaldehyde exposure. The Jury believes these deficiencies must be rectified immediately to protect staff and public visitors from being exposed to transmittable airborne pathogens.

In order to achieve *CCR Title 8; Sections 5144, 5193 and 5199* compliance, the facility requires extensive structural and mechanical upgrades.

In 1997, an investigation conducted by Cal/OSHA revealed that seven Los Angeles County Coroner's employees had been infected with TB, due to improper ventilation when the bone saw was utilized on bodies infected with TB.⁶ Airborne Transmittable Pathogens (ATP) are transmitted via dust during bone saw procedures, such as cutting cranial cavities during autopsies.

⁵ Santa Barbara County Sheriff's Office, Coroner's Unit and Coroner's Facilities, Illness and Illness Protection Program (IIPP), September 2, 2014, page 1

⁶ LA Times April 25, 1997 "TB Plagues Office of LA Coroner"

SANTA BARBARA SHERIFF-CORONER'S BUREAU

Training

The Jury learned that the Bureau staff does not receive the specialized training necessary to formulate an appropriate infectious disease control policy in compliance with *CCR, Title 8*.

Equipment

The Bureau does not have the necessary equipment to complete its work safely. For example, it needs a Negative Air Pressure System and Powered Air Purifying Respirators to conduct autopsies on known or suspected AirID cases such as tuberculosis, measles, severe acute respiratory syndrome, avian influenza virus, and other diseases. The staff is also at risk without this equipment when processing decedents who have been intravenous drug users or homeless, as identified in *CCR, Title 8*.

Facilities

In order to create the negative air flow and remedy the repugnant smells in the autopsy room, the Coroner's staff has created a makeshift solution by using a fan and keeping a door open in the autopsy room during procedures. This involves closing and locking the door between the administrative area and the autopsy room and keeping the outside front door to the autopsy area open.

This makeshift practice does provide minimal ventilation, however several other issues arise including:

- Circumventing the air conditioning system increases the room temperature causing staff who are wearing protective gear to be potentially subjected to unhealthy conditions
- Allowing unfiltered air with contaminants to escape within the facility is a violation of Cal/OSHA regulations which require the door be closed during autopsies
- Allowing anyone from the public to walk in during an autopsy is a public safety concern

A code-compliant ventilation system is needed to ensure contaminated air exhausted from the autopsy room is not redistributed into other areas of the building. This is not possible with the present configuration.

Testing

Currently the Bureau does not have a testing protocol to ensure that personnel have not been exposed to infectious disease, including tuberculosis and hepatitis. It does not conduct air testing to detect the levels of formaldehyde in the area.

Documentation

There is a lack of facility-specific infectious disease control written policies and procedures. The Bureau has not created *CCR Title 8* compliant written policies and procedures that include facility and equipment decontamination; nor has it established proper work procedures.

SANTA BARBARA SHERIFF-CORONER'S BUREAU

CONCLUSION

The 2014-15 Santa Barbara County Grand Jury believes the Sheriff-Coroner's Bureau facility should be replaced as soon as possible. As an alternative, an existing building could be acquired and remodeled to comply with *CCR Title 8, Section 5144, 5193 and 5199* regulations. The Santa Barbara County Board of Supervisors has not funded the estimated \$130,000 identified by Mechanical Engineering Consultants to merely improve the ventilation system at the Coroner's Bureau facility. The facility's existing mechanical systems were never designed to support current laboratory requirements. Major additional renovations are needed to the current facility to handle airborne infectious diseases.

Health, safety and security are serious concerns. Both operational and facility modifications are needed to comply with Cal/OSHA Standards.

The Santa Barbara County Board of Supervisors response dated February 11, 2014 to the 2012-13 Grand Jury report stated "Health and safety concerns identified through the facility condition assessment will be given high priority for funding." To date no funds have been allocated to upgrade the Coroner's Bureau facility.

FINDINGS AND RECOMMENDATIONS

Finding 1

The Sheriff-Coroner's Bureau facility does not comply with *California Code Regulations; Title 8, Sections 5144, 5193 and 5199*.

Recommendation 1a

That the Santa Barbara County Board of Supervisors fund the construction of a new coroner's facility under the "health and safety prioritization" directive of the Board of Supervisors Facility Condition Assessment Reports to become compliant with infectious disease control regulations .

Recommendation 1b

That the Santa Barbara County Board of Supervisors identify and fund an existing building that could be used to perform the functions of the Coroner's Bureau in a manner compliant with infectious disease control regulations.

Finding 2

The Sheriff-Coroner's Bureau facility does not have the mechanical and structural systems including negative air pressure which are necessary for the control of infectious diseases, removal of noxious odors and dilution and expulsion of contaminants from the entire facility.

Recommendation 2

SANTA BARBARA SHERIFF-CORONER'S BUREAU

That the Santa Barbara County Board of Supervisors make funds available to upgrade the structural and mechanical systems of the existing coroner's facility to become compliant with infectious disease control regulations to protect the health and safety of County employees and the public.

Finding 3

The Sheriff-Coroner's Bureau safety polices and plans are insufficient to ensure compliance with the rules relating to infectious disease control pursuant to *California Code of Regulations Title 8, Sections 5144, 5193 and 5199*.

Recommendation 3

That the Sheriff-Coroner formulate and implement facility workplace hazard/infectious disease control policies that meet *California Code of Regulations Title 8, Sections 5144, 5193 and 5199*.

Finding 4

The Coroner's Bureau staff is not properly trained relating to infectious diseases control both as it relates to AirID and blood-borne pathogens.

Recommendation 4

That the Sheriff-Coroner ensure staff receive appropriate annual training on infection control, AirID and blood-borne pathogens.

Finding 5

The Coroner's Bureau facility does not have the Powered Air Purifying Respirator (AirID) equipment necessary to safely conduct high risk autopsies.

Recommendation 5

That the Sheriff-Coroner provide personnel with appropriate full-face powered air purifying respirators.

Finding 6

The Coroner's Bureau does not test employees nor provide vaccines for tuberculosis or Hepatitis B.

Recommendation 6

That the Sheriff-Coroner initiate testing protocol to ensure personnel are not exposed to infectious diseases and provide necessary vaccines.

Finding 7

The Coroner's Bureau does not provide formaldehyde monitoring devices.

Recommendation 7

That the Sheriff-Coroner acquire and utilize the formaldehyde monitoring equipment necessary for testing the air for unacceptable levels of formaldehyde for the health and safety of the staff.

SANTA BARBARA SHERIFF-CORONER'S BUREAU

REQUEST FOR RESPONSE

Pursuant to California Penal Code Section 933 and 933.05, the Jury requests each entity or individual named below to respond to the enumerated findings and recommendations within the specified statutory time limit.

Santa Barbara County Board of Supervisors – 90 Days

Finding 1, 2

Recommendations 1a, 1b, 2

Santa Barbara County Sheriff-Coroner – 60 Days

Findings 1, 2, 3, 4, 5, 6, 7

Recommendations 2, 3, 4, 5, 6, 7



Office of the Sheriff
SANTA BARBARA COUNTY

BILL BROWN
Sheriff - Coroner

BERNARD MELEKIAN
Undersheriff

STATIONS

Buellton
140 W. Highway 246
Buellton, CA 93427
Phone (805) 686-8150

Carpinteria
5775 Carpinteria Avenue
Carpinteria, CA 93013
Phone (805) 684-4561

Isla Vista
6504 Trigo Road
Isla Vista, CA 93117
Phone (805) 681-4179

Lompoc
3500 Harris Grade Road
Lompoc, CA 93436
Phone (805) 737-7737

New Cuyama
70 Newsome Street
New Cuyama, CA 93254
Phone (661) 766-2310

Santa Maria
812-A W. Foster Road
Santa Maria, CA 93455
Phone (805) 934-6150

Solvang
1745 Mission Drive
Solvang, CA 93463
Phone (805) 686-5000

Sheriff - Coroner Office
66 S. San Antonio Road
Santa Barbara, CA 93110
Phone (805) 681-4145

Main Jail
4436 Calle Real
Santa Barbara, CA 93110
Phone (805) 681-4260

**COURT SERVICES
CIVIL OFFICES**

Santa Barbara
1105 Santa Barbara Street
P.O. Box 690
Santa Barbara, CA 93102
Phone (805) 568-2900

Santa Maria
312 E. Cook Street, "O"
P.O. Box 5049
Santa Maria, CA 93456
Phone (805) 346-7430

HEADQUARTERS
P.O. Box 6427 • 4434 Calle Real • Santa Barbara, California 93160
Phone (805) 681-4100 • Fax (805) 681-4322
www.sbsheriff.org

April 1, 2015

Ms. Sandi Miller, Foreperson
Santa Barbara County Grand Jury 2014-2015
1100 Anacapa Street
Santa Barbara, California 93101

RE: Response to the 2014-15 Santa Barbara County Grand Jury Report Entitled
"Santa Barbara Sheriff-Coroner's Bureau – Still an Unhealthy Environment"

Dear Ms. Miller:

Enclosed please find the Santa Barbara County Sheriff's Office response to the
2014-15 Santa Barbara County Grand Jury Report Entitled "Santa Barbara Sheriff-
Coroner's Bureau – Still an Unhealthy Environment".

Should you have additional questions, please feel free to contact me at 681-4290.

Sincerely,



BILL BROWN
Sheriff – Coroner

cc: The Honorable Janet Wolf, Chair
Santa Barbara County Board of Supervisors

Enclosure

SANTA BARBARA COUNTY SHERIFF'S OFFICE
RESPONSE TO THE SANTA BARBARA COUNTY
GRAND JURY 2014-2015 REPORT
"Santa Barbara Sheriff-Coroner's Bureau –
Still an Unhealthy Environment"

Finding 1: *The Sheriff-Coroner's Bureau facility does not comply with California Code Regulations; Title 8, Sections 5144, 5193 and 5199.*

Response to Finding 1: **The Sheriff's Office agrees with this finding.**

Although we are diligently implementing policies, procedures and personal protective equipment to minimize the shortcomings of the existing Coroner's Unit facility, the 30 year-old, inmate-built Coroner's Unit facility is not reasonably capable of fully meeting the extremely high standards set within the California Code of Regulations (CCR), relating to Respiratory Protection, Blood-borne Pathogen Protection and Airborne Transmissible Disease Protection (CCR Title 8, Sections 5144, 5193 and 5199). While working within the constraints of our Fiscal Year 2013/2014 and 2014/2015 budgets, we made significant improvements to our policies and procedures, but were fiscally unable to make significant facility improvements, toward the objective of CCR compliance.

Furthermore, although the existing Coroner's Unit facility can be repaired, remodeled and improved upon to enhance the level of compliance with the applicable regulations, we do not believe the existing facility can be made fully compliant with the applicable regulations, absent the completion of a near-total remodeling project, involving significant structural and systems improvement. The best and surest method of insuring full compliance with the applicable regulations is through the construction of a properly designed and equipped, purpose-built facility.

Recommendation 1a: *That the Santa Barbara County Board of Supervisors fund the construction of a new coroner's facility under the "health and safety prioritization" directive of the Board of Supervisors Facility Condition Assessment Reports to become compliant with infections disease control regulations.*

Response to Recommendation 1a: **The Sheriff's Office agrees with this recommendation, but cannot implement the recommendation without the assistance of other Santa Barbara County agencies, and funding provided by the Board of Supervisors.**

Although the existing Coroner's Unit facility can be repaired, remodeled and improved upon to enhance the level of compliance with the applicable regulations, we do not believe the existing facility can be made fully compliant with the applicable regulations, absent the completion of a near-total remodeling project, involving significant structural and systems improvement.

Attachment C

*Santa Barbara County Sheriff's Office
Response to the Santa Barbara County
Grand Jury 2015-2015 Report
"Santa Barbara Sheriff-Coroner's Bureau
Still and Unhealthy Environment"
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The best and surest method of insuring full compliance with the applicable regulations is through the construction of a properly designed and equipped, purpose-built facility. If the Board of Supervisors is able to fund this project, the Sheriff's Office is prepared to provide the necessary assistance and input in the planning, design and building processes.

Recommendation 1b: *That the Santa Barbara County Board of Supervisors identify and fund an existing building that could be used to perform the functions of the Coroner's Bureau in a manner compliant with infectious disease control regulations.*

Response to Recommendation 1b: **The Sheriff's Office agrees with this recommendation, but cannot implement the recommendation without the assistance of other Santa Barbara County agencies, and funding provided by the Board of Supervisors.**

Although the existing Coroner's Unit facility can be repaired, remodeled and improved upon to enhance the level of compliance with the applicable regulations, we do not believe the existing facility can be made fully compliant with the applicable regulations, absent the completion of a near-total remodeling project, involving significant structural and systems improvement.

The best and surest method of insuring full compliance with the applicable regulations is through the construction of a properly designed and equipped, purpose-built facility. If the Board of Supervisors is able to fund this project, the Sheriff's Office is prepared to provide the necessary assistance and input in the planning, design and building processes.

Finding 2: *The Sheriff-Coroner's Bureau facility does not have the mechanical and structural systems including negative air pressure which are necessary for the control of infectious diseases, removal of noxious odors and dilution and expulsion of contaminants from the entire facility.*

Response to Finding 2: **The Sheriff's Office partially disagrees with this finding.**

As was learned during the inspection by Mechanical Engineering Consultants Inc., we are able to temporarily work around the Coroner's Unit facility ventilation system deficiencies and create airflow and negative air pressure within the autopsy lab by opening an exterior door while simultaneously running the existing autopsy lab ventilation fan. However, utilizing this work around is not a viable mid-to-long term solution for two reasons.

1. When the outside temperature exceeds 70 degrees, it causes the temperature within the autopsy lab to rise to levels that potentially cause unsafe working conditions for our personnel, who are required to wear extensive Personal Protective Equipment (PPE) including respirators and extensive heat retaining protective clothing. Of specific concern, this inability to provide an appropriately conditioned work environment has significantly limited the ability of our Coroner's Unit personnel to safely utilize the

Attachment C

*Santa Barbara County Sheriff's Office
Response to the Santa Barbara County
Grand Jury 2015-2015 Report
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Powered Air Purifying Respirators (PAPR) that we issued to our personnel, as required within CCR Title 8, Section 5199 (Airborne Transmissible Disease protection standard).

2. The open door is a significant facility security concern. The door in question is normally kept closed and locked to prevent unauthorized access to non-public areas of the Coroner's Unit facility. Although we utilize a chain barrier and signage to warn and discourage unauthorized persons from entering the facility via the open door when autopsy procedures are underway, we are not able to physically prevent unauthorized persons from entering the autopsy lab, and other non-public areas of the facility when the door is open.

Although we are diligently implementing policies, procedures and personal protective equipment to minimize the shortcomings of the existing Coroner's Unit facility, the 30 year-old, inmate-built Coroner's Unit facility is not reasonably capable of fully meeting the extremely high standards set within the California Code of Regulations (CCR), relating to Respiratory Protection, Blood-borne Pathogen Protection and Airborne Transmissible Disease Protection (CCR Title 8, Sections 5144, 5193 and 5199). While working within the constraints of our Fiscal Year 2013/2014 and 2014/2015 budgets, we made significant improvements to our policies and procedures, but were fiscally unable to make significant facility improvements, toward the objective of CCR compliance.

Recommendation 2: *That the Santa Barbara County Board of Supervisors make funds available to upgrade the structural and mechanical systems of the existing coroner's facility to become compliant with infectious disease control regulations to protect the health and safety of County employees and the public.*

Response to Recommendation 2: **The Sheriff's Office agrees with this recommendation, but cannot implement the recommendation without the assistance of other Santa Barbara County agencies, and funding provided by the Board of Supervisors.**

The Sheriff's Office would like the Board of Supervisors to allocate sufficient funding to repair and/ or replace the ventilations systems within the existing Coroner's Unit facility, as outlined within the October 2013 report prepared by Mechanical Engineering Consultants, Inc. Although the noted repairs and improvements to the ventilation systems would not bring the Coroner's Unit facility into full CCR compliance, the improvements would significantly enhance the level of compliance we are able to achieve, as well as our ability to safely utilize the full range of Personal Protective Equipment available to our personnel.

Although we are diligently implementing policies, procedures and personal protective equipment to minimize the shortcomings of the existing Coroner's Unit facility, the 30 year-old, inmate-built Coroner's Unit facility is not reasonably capable of fully meeting the extremely high standards set within the California Code of Regulations (CCR), relating to Respiratory

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Protection, Blood-borne Pathogen Protection and Airborne Transmissible Disease Protection (CCR Title 8, Sections 5144, 5193 and 5199). While working within the constraints of our Fiscal Year 2013/2014 and 2014/2015 budgets, we made significant improvements to our policies and procedures, but were fiscally unable to make significant facility improvements, toward the objective of CCR compliance.

Finding 3: *The Sheriff-Coroner's Bureau safety policies and plans are insufficient to ensure compliance with the rules relating to infectious disease control pursuant to California Code of Regulations Title 8, Sections 5144, 5193 and 5199.*

Response to Finding 3: **The Sheriff's Office partially disagrees with this finding.**

At the time of the Grand Jury site inspections, we were in the process of finalizing our Coroner's Unit Respiratory Protection and Blood-borne Pathogen Protection programs and training. Our Respiratory protection program and training was fully implemented in September 2014 and is conceptually compliant with CCR Title 8, Section 5193. Our Blood-borne Pathogen Protection program and training was fully implemented in December 2015 and is conceptually compliant with CCR Title 8, Section 5193. However, we recognize the structural and mechanical limitations of our Coroner's Unit facility preclude

On the other hand, we recognize that we have not implemented a CCR compliant Airborne Transmissible Disease (ATD) protection and training program, pursuant to CCR Title 8, Section 5199. Developing a CCR compliant Airborne Transmissible Disease (ATD) protection and training program is the most complex, time consuming and costly of the three employee health and safety concerns we are working to address. Furthermore, completion of our Respiratory Protection and Blood-borne Pathogen Protection programs was prerequisite toward addressing the much more expansive ATD program. During the remainder of 2015 and throughout 2016, we will be working on building a CCR compliant ATD protection program. However, the structural and mechanical limitations of our existing facility will be a significant factor in working toward full compliance with CCR Title 8, Section 5199.

Recommendation 3: *That the Sheriff-Coroner formulate and implement facility workplace hazard/infectious disease control policies that meet California Code of Regulations Title 8, Sections 5144, 5193 and 5199.*

Response to Recommendation 3: Two of the 3 prongs of this recommendation were previously implemented (as indicated in our response to Finding 3). We will be working on building a CCR Title 8, Section 5199 compliant Airborne Transmissible Disease (ATD) protection and training program during the remainder of 2015 and throughout 2016, with the goal of implementing the program by the end of 2016. Although 1½ years seems like a long time to accomplish this, it is a reasonable goal, given the breadth and complexity of the ATD standard.

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Finding 4: *The Coroner's Bureau staff is not properly trained relating to infectious diseases control both as it relates to AirID and blood-borne pathogens.*

Response to Finding 4: **The Sheriff's Office partially disagrees with this finding.**

At the time of the Grand Jury site inspections, we were in the process of finalizing our Coroner's Unit Respiratory Protection and Blood-borne Pathogen Protection programs and training. Our Respiratory protection program and training was fully implemented in September 2014. Our Blood-borne Pathogen Protection program and training was fully implemented in December 2015.

On the other hand, we recognize that we have not implemented a CCR compliant Airborne Transmissible Disease (ATD) protection and training program, pursuant to CCR Title 8, Section 5199. Developing a CCR compliant Airborne Transmissible Disease (ATD) protection and training program is the most complex, time consuming and costly of the three employee health and safety concerns we are working to address. Furthermore, completion of our Respiratory Protection and Blood-borne Pathogen Protection programs was prerequisite toward addressing the much more expansive ATD program. During the remainder of 2015 and throughout 2016, we will be working on building a CCR compliant ATD protection program. However, the structural and mechanical limitations of our existing facility will be a significant factor in working toward full compliance with CCR Title 8, Section 5199.

Recommendation 4: *That the Sheriff-Coroner ensure staff receive appropriate annual training on infection control, AirID and blood-borne pathogens.*

Response to Recommendation 4: This recommendation will not be implemented because it is not reasonable.

Finding 5: *The Coroner's Bureau facility does not have the Powered Air Purifying Respirator (AirID) equipment necessary to safely conduct high risk autopsies.*

Response to Finding 5: **The Sheriff's Office disagrees with this finding.**

We purchased 3M Versaflo PAPP equipment for our Coroner's Unit Personnel, beginning in March 2014. The purchased PAPP equipment was subsequently integrated into the Coroner's Unit Respiratory Protection Program, which was finalized in September 2015.

However, the inability of the existing ventilation system to provide a sufficiently conditioned work environment within the autopsy lab has significantly impaired the ability of our personnel to safely use the issued PAPP equipment. In conjunction with the necessary PPE clothing, the use of our hooded PAPP equipment causes significant heat buildup, causing dangerous heat-stress upon our personnel. The use of PAPP equipment also significantly diminishes the ability

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of our personnel to communicate during procedures and limits visibility when working with dangerous tools. In balancing the benefits of the PAPR system, against the heat-stress and other dangers caused by its use within our existing facility, the PAPR systems are only being used for cases involving elevated probability of Airborne Transmissible Disease and only when exterior/ambient air temperatures are low enough to not cause heat-stress for our employees.

Recommendation 5: *That the Sheriff-Coroner provide personnel with appropriate full-face powered au purifying respirators.*

Response to Recommendation 5: **The Sheriff's Office previously implemented this recommendation.**

As indicated within our response to Finding 5, we purchased 3M Versaflo PAPR equipment for our Coroner's Unit Personnel, beginning in March 2014. The purchased PAPR equipment was subsequently integrated into the Coroner's Unit Respiratory Protection Program, which was finalized in September 2015.

Finding 6: *The Coroner's Bureau does not test employees nor provide vaccines for tuberculosis or Hepatitis B.*

Response to Finding 6: **The Sheriff's Office partially disagrees with this finding.**

The applicable sections of the California Code of Regulations do not preemptive testing of employees for Hepatitis B. Hepatitis B testing would only be required by the CCR after an exposure event, wherein an employee was exposed to infected blood or other tissue. The CCR only requires that we preemptively provide the opportunity for our employees to obtain the Hepatitis B vaccine, which we do. Upon initial employment, all Sheriff's Deputies are provided with information about and offered the Hepatitis B vaccine, free of charge. Additionally, as part of our Blood-borne Pathogen Protection program we have provided all Coroner's Unit personnel with information about and offered the Hepatitis B vaccine on three occasions during 2014, and will continue to do so on a yearly basis, as part of our annual Blood-borne Pathogen training. As part of the Airborne Transmissible Disease (ATD) protection standard, the CCR does require that we preemptively test our employees for tuberculosis. As we move forward with developing and implementing our ATD Program in 2015, we will be including a tuberculosis testing component to the program. However, because this testing was not previously required of our personnel, we will need to meet and confer with our employees and the Deputy Sheriff's Association as we develop and implement the testing procedure. Although we do not reasonably expect that we will be able to complete and implement a fully compliant ATD program by the end of 2015, we will attempt to implement the tuberculosis testing by the end of 2015.

Recommendation 6: *That the Sheriff-Coroner initiate testing protocol to ensure personnel are not exposed to infectious diseases and provide necessary vaccines.*

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Response to Recommendation 6: The Sheriff's Office will implement the appropriate portions of this recommendation by December 31, 2015.

As indicated within our response to Finding 6, the applicable sections within the California Code of Regulations do not require preemptive testing of employees for Hepatitis B. Hepatitis B testing is only required by the CCR after an exposure event, wherein an employee was exposed to infected blood or other tissue. The CCR only requires that we preemptively provide the opportunity for our employees to obtain the Hepatitis B vaccine, which we do. Upon initial employment, all Sheriff's Deputies are provided with information about and offered the Hepatitis B vaccine, free of charge. Additionally, as part of our Coroner's Unit Blood-borne Pathogen Protection program we have provided all Coroner's Unit personnel with information about and offered the Hepatitis B vaccine on three occasions during 2014, and will continue to do so on a yearly basis, as part of our annual Blood-borne Pathogen training update.

As part of the Airborne Transmissible Disease (ATD) protection standard, the CCR does require that we preemptively test our employees for tuberculosis. As we move forward with developing and implementing our ATD Program during the remainder of 2015 and 2016, we will be including a tuberculosis testing component within the program. However, because this testing was not previously required of our personnel, we will need to meet and confer with our employees and the Deputy Sheriff's Association as we develop and implement the testing procedure. Although we do not reasonably expect that we will be able to complete and implement a fully compliant ATD program by the end of 2015, we will attempt to implement the tuberculosis testing by the end of 2015.

Finding 7: *The Coroner's Bureau does not provide formaldehyde monitoring devices.*

Response to Finding 7: The Sheriff's Office agrees with this finding.

In researching and preparing our Respiratory Protection Program (fully implemented in September 2014), we researched the implementation of testing procedures to determine the formaldehyde exposure potential within our Coroner's Unit facility. Within our facility, we utilize a buffered formalin product, a product that is designed to minimize the amount of formaldehyde that is off-gassed into the environment. Our research revealed that testing for the presence of formaldehyde within environments where formalin is used is significantly more complicated and expensive than situations where regular formaldehyde is used. The use of relatively inexpensive passive sampling techniques and devices does not accurately reflect exposure levels. Formalin use environments require that testing be accomplished with active sampling techniques and devices. Our research revealed that we would need to contract with an environmental consultant and/ or purchase expensive active sampling equipment to test for the presence of formaldehyde within our Coroner's Unit facility.

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We do not have sufficient funding within our Fiscal Year 2014/2015 budget to purchase the needed equipment or contract with an environmental consultant for formaldehyde testing. Furthermore, we anticipate that we will be provided with a status-quo budget in Fiscal Year 2015/2016, which will also not afford us the ability to engage in a formaldehyde testing program. We hope to eventually complete the formaldehyde testing procedure and determine whether or not respirator use is required when our personnel are working with formalin (we have received unconfirmed/ untested information indicating the manner in which we utilize formalin should not result in formaldehyde exposure levels requiring respirator use).

Until such time that we are able to conduct the necessary formaldehyde testing, we provide our Coroner's Unit personnel with formaldehyde rated respirator filters (3M 60925). As part of our Respiratory Protection Program, we require that Coroner's Unit personnel utilize respirators with the formaldehyde rated respirator filters on all occasions in which formalin is being worked with and there is the potential for formaldehyde off-gassing to occur.

***Recommendation 7:** That the Sheriff-Coroner acquire and utilize the formaldehyde monitoring equipment necessary for testing the air for unacceptable levels of formaldehyde for the health and safety of the staff.*

Response to Recommendation 7: The Sheriff's Office implemented this recommendation.

The Sheriff's Office acknowledges that a temperature logging protocol could better enable our office to establish and document proper storage temperatures for evidentiary purposes. Subsequent to our receipt of the Grand Jury's report, we researched, identified and purchased a temperature data logging device that will allow our Coroner's office to effectively log refrigerator temperatures. The purchased temperature logging device can be readily implemented within our existing staffing capabilities and was well within our FY 2013/2014 Coroner's program operating budget. Once the data logging device was received, our Coroner's Bureau immediately began utilizing the device and implemented procedures to download and store the logged data.

Respectfully submitted,



BILL BROWN
Sheriff – Coroner

SHERIFF-CORONER'S BUREAU
The Manner of Death—A Final Diagnosis

SUMMARY

Frequently, when citizens learn of an accidental death or one of unknown or suspicious cause, the report often ends with the statement that the cause of death is “under investigation” by the coroner or medical examiner’s department. Immediately, people conjure up the Hollywood version of a sterile surgical morgue facility with the latest technology and forensic pathologists informing the detectives as to the cause and manner of death. Operating at the nexus of medicine and criminal justice, these death detectives manage to thoroughly investigate each suspicious fatality, complete with toxicology results, and do it within the hour. The reality of these investigations is much different, with dedicated personnel working in difficult conditions to accomplish an unglamorous but critical public service.

The 2012-2013 Santa Barbara County Grand Jury (Jury) undertook an investigation into the reality of the daily work done by the Santa Barbara County Sheriff-Coroner’s Bureau (Bureau). While death under any circumstance is difficult, those citizens who must face the matter of death at the Bureau deserve to receive competent and professional service in a high-quality facility. Likewise, those county employees who perform this most difficult but necessary work must be provided the professional education needed to develop the required specialized skills while also acquiring a sensitivity for the cultural, ethnic and religious backgrounds of the people they serve. These skilled employees also deserve high-quality resources necessary to successfully perform their jobs in a safe, healthy and efficient working environment.

During this investigation, the Jury learned that there are some 2,300 coroner/medical examiners’ facilities in the United States with a wide range of standards and competence. In California’s 58 counties, the government adopts one of three general models: medical examiner, sheriff-coroner or lay coroner. All staff operate under the statutory authority of the *California Government Code: Section 27491* and the *California Health and Safety Code: Section 102850*. In some of the larger counties, including Ventura County, the medical examiner model has been adopted. Since 1947, Santa Barbara County uses the model of sheriff-coroner, who is an elected officer.

While the Jury finds the Bureau to be in compliance with the law, the Bureau’s physical facility is in immediate need of significant improvements and merits a long-range strategic plan by the Santa Barbara County Board of Supervisors for the development of an accredited medical examiner department in an industry-standard facility with the capability of being accredited by the National Association of Medical Examiners.

It's difficult for people to spend money on medical examiners systems. They see it often as wasting money on the dead, without realizing that everything that is done in a medical examiner office or a coroner office, is truly done for the living. We try to protect society. We look for deaths that are premature, or that should not have happened, so that we can go forth and correct those errors in society.¹

BACKGROUND

Santa Barbara County has had a sheriff-coroner since 1947 when the Santa Barbara County Board of Supervisors (BOS) adopted the sheriff-coroner model. With the adoption of this model, the County joined 39 other counties using the sheriff-coroner model. In the remaining counties, 13 have a lay coroner model and 5 have a medical examiner model. The sheriff-coroner model does not work independently from law enforcement supervision nor is it subject to mandatory state or national accreditation. However, a medical examiner model operates under more stringent regulations and must meet national accreditation and quality assurance standards.

Originally the Coroner's office was located in the Santa Barbara County Historic Courthouse. Later, it was moved to the new Sheriff's headquarters on Calle Real. The coroner utilized local hospitals and mortuaries for autopsies under contract with a local pathology medical group. In 1987, the Sheriff-Coroner requested that the BOS provide emergency funds to construct a stand-alone coroner's facility.² This facility was intended to handle all aspects of investigating the cause and manner of death that California law requires, as well as to provide independent office space for the coroner's staff.

Upon approval of the emergency need, the BOS directed the construction of a facility to be built on County-owned property on San Antonio Road, adjacent to the former women's honor farm. There is no record of a building permit on file, indicating the building never went through the normal review and approval process. The building was constructed by inmate labor from the County Jail, at a cost of less than \$100,000.²

A review of the few available building plans revealed that the facility was originally designed to have two autopsy rooms, a refrigeration unit and two offices for the staff. The second autopsy room was never utilized, but eventually became a toxicology lab and currently is used as a storage and break room. Later, the main staff office was divided to provide a grieving room for

¹ Thompson, A.C., "Medical Examiners In America: A Dysfunctional System", ProPublica 2011

² Santa Barbara News-Press, February 5, 1989 "High Tech Morgue" by Woody Behrens

consulting with next of kin. The only other major upgrade to the main building has been the installation of an emergency backup generator. As more staff was assigned to the Bureau, an existing portable building on-site provided additional office space. A Conex box (shipping container) was installed adjacent to the front of the main building to provide additional storage space.

In the early 2000s, autopsies continued to be performed by the contracted pathology medical group until the Sheriff-Coroner hired its own full-time forensic pathologist.

METHODOLOGY

In the course of the Jury's mandated annual inspection of the Bureau, the Jury noted conditions that prompted further investigation. The Jury:

- Toured the Bureau's facility on multiple occasions
- Reviewed historical documents relating to the building of the facility
- Researched records at the County Building Department
- Interviewed former and current forensic pathologists
- Interviewed past and present staff, including senior officers at the Sheriff's Office
- Interviewed County employees and contract employees who work or service the Bureau
- Interviewed staff from The Goleta Sanitary District
- Researched current industry standards for this type of facility
- Reviewed websites of several California county coroners and medical examiners
- Reviewed the "Post Mortem" video co-produced by ProPublica and PBS Frontline³

OBSERVATIONS AND ANALYSIS

Bureau Staff

The staff includes a Sergeant, a Forensic Pathologist, an Office Assistant and four Deputy Detectives (Coroner Detectives). In 2011, there were 2,871 deaths in the county with 1,476 requiring an investigation. The Bureau detectives have the highest caseload in the Sheriff's Office, conducting all the required death investigations within the County regardless of law enforcement agency jurisdiction. If the deceased has not been under the care of a medical

³ PBS.org/frontline2011

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professional within 20 days of death, by law the death becomes a coroner case.⁴ Approximately 150 autopsies are performed annually. From interviews at every level of the Sheriff Office, the Jury learned the Bureau is understaffed and in need of a full-time forensic technician to assist the pathologist during autopsies. Currently this position is being filled by retired personnel from the Bureau on a part-time basis.

Any detective can be dispatched to a death scene. However, the Jury was told that detectives not assigned to the Bureau may not be adequately trained in death-scene investigation. This lack of training could unknowingly compromise important evidence.

All new Bureau staff receive a dedicated two week coroner training course and the Jury was assured all staff were current on the POST (Police Officer Standards Training, State of California) Training. Among the Jury concerns were conflicting and inconsistent answers given by various employees regarding any specialized training, its documentation and who is responsible for monitoring that employees receive it. According to Centers for Disease Control (CDC) recommendations, the public and the staff would be better served if the staff received more specialized training in areas such as infection control and blood-borne pathogens.⁵

Bureau Facilities – Santa Barbara

The physical facility consists of three structures: the main building, a portable structure and a Conex box. The public area of the main building includes a reception area, the Sergeant's office and a grieving room. The employee area of the building includes a break room, a storage room and a small computer work space. These two areas are connected via a corridor that passes by the walk-in refrigeration unit for the deceased and goes through the autopsy room. The arrangement of these rooms exposes the entire working environment to noxious odors and possibly to airborne contaminants.

During interviews and visits, the Jury learned that the interior walk-in refrigeration unit is designed to accommodate 16 bodies and is connected to a backup generator. There is also an outside refrigeration unit where the deceased can be placed temporarily.

The Jury was informed by staff that the current ventilation system is 25 years old and since no building permit could be located, the system may not have been designed to provide adequate

⁴Santa Barbara County Sheriff's Office, 2011 Annual Report

⁵<http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5308a1.htm> (CDC.gov Recommendations and Reports June 11, 2004, /53(RR08) Medical Examiners, Coroners, and Biologic Terrorism)

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ventilation to this type of facility. Adequate ventilation which includes negative air pressure^{6,5} is a necessary requirement for the control of infection, removal of noxious odors, dilution and expulsion of contaminants. Conducting autopsies in an area with inadequate ventilation presents a risk of circulating airborne pathogens. The ventilation system is not equipped with a filtration component to prevent the spread of airborne bacterial, viral or other organisms. This system presents a potential health and safety risk for employees. To provide for the safety of the staff and visiting public, a code-compliant ventilation system, must be installed to ensure contaminated air is exhausted from all rooms and not redistributed into other areas of the building.

The Jury was informed that on warm days the autopsy room, which has a window mounted air conditioner unit, is not adequately cooled to create a comfortable working environment.

The Bureau's facility is not equipped with an isolation room suitable for working on high-risk cases. An isolation room is needed and must be provided with its own autopsy table and sink, to protect staff from contagious diseases. The ventilation system for this room must be separate from the rest of the facility and, according to industry standards, provide for negative air pressure.⁶ Air from this isolation room must be filtered and exhausted directly to the outside, separated from supply-air intakes and populated areas.

The Goleta Sanitary District (GSD) failed to re-issue an Industrial Wastewater Permit under its Ordinance No. 77, which also covers hospitals and mortuaries, although the Bureau submitted the correct paperwork. The Jury was informed that medical and infectious waste from the facility is being discharged into the sanitary system during autopsies without the proper permit from GSD.

Temperature logs are not being kept for the refrigerator which holds blood samples in the autopsy room. The Jury is concerned that temperature fluctuations could compromise evidence.

The American National Standards Institute and Occupational Safety & Health Administration (OSHA) recommend an eye wash station for employees who are exposed to hazardous materials.⁷ There was no eye wash station at the facility.

During an autopsy, the Forensic Pathologist dictates his findings into a microphone that is strung through a ceiling tile that hangs over the autopsy table. This dictation is fed into a cassette

⁶ http://www.nrctraining.com/air_force.htm (National Resource Center, Department of the Air Force, Medical Facility Ventilation)

⁷ <http://webstore.ansi.org/RecordDetail.aspx?sku=ANSI%2FISEA+Z358.1-2009>

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system that then has to be transcribed into electronic form for retention and distribution. For efficiency and preservation of information gathered during an autopsy, digital equipment is needed to replace the obsolete equipment currently in use. The Centers for Disease Control and Prevention current standards state that, “mechanisms should be in place to ensure that electronic death investigation data can be shared with public health authorities, law enforcement agencies, and other death-investigation agencies while providing for appropriate confidentiality and control of the release of information to authorized personnel or organizations only”.⁸

The Conex storage unit is located in the parking lot. It holds the records of closed cases and other evidence. The paper files are being scanned electronically when time permits, usually when the Sheriff’s Office has personnel on light duty due to injury.

The portable building was once used as a classroom for the inmates of the women’s honor farm. Now it serves as the office for the four detectives and the forensic pathologist. This separation of the staff is not an efficient arrangement due to continual travel between buildings. During the hot months of the year, the air conditioning unit in the portable building is not sufficient which makes working conditions difficult.

The entire area that immediately surrounds the three structures is poorly maintained, as evidenced by abundant weeds, untended shrubs, bushes and ground rodents. The space between the main building and the portable building is full of holes and weeds. Staff has attempted to address this issue, including trying to maintain the outside area on their own time. The condition of the grounds still presents fire and safety hazards.

A More Centralized Location

A refrigeration unit near the Santa Maria Sheriff’s facility holds the deceased from this area, until they can be transported to Santa Barbara. This transport time subtracts from the coroner detective’s investigation time. A more centralized Bureau within the county would improve this issue. In the early 1960’s, the population of Santa Barbara County was less than 200,000. The 2010 census revealed that Santa Barbara County has grown to a population of 423,900. The greater population growth has occurred in the north. Former and current staff of the Bureau suggested that the County might be better served with a more centralized location, since 55% of their caseload growth is now in the north.

⁸ Department of Health and Human Services Centers for Disease Control and Prevention.

CONCLUSION

The Jury finds that the Bureau requires an immediate upgrade to the existing facilities to correct serious inadequacies which may jeopardize the health and safety of the staff and the public. Despite the inadequacies in the physical facilities, every staff member interviewed reported that even with an increasing caseload, they work in a cooperative and collegial manner as they carry out their complex responsibilities.

Although the California Constitution requires each county to have a coroner, each county board of supervisors may establish and provide for a specialized department. The Jury recommends that in all future strategic planning the Santa Barbara County Board of Supervisors adopt the goal of establishing a facility and staff that are eligible for full accreditation by the National Association of Medical Examiners. A new, fully accredited facility would provide greater capability to address the challenges of twenty-first century America due to deaths related to natural disasters, man-made mass emergencies, issues related to Homeland Security and even perform a positive role in the burgeoning field of organ and tissue donation.

FINDINGS AND RECOMMENDATIONS

Finding 1

The continuing use of part-time retired staff is not adequate to assist during autopsies.

Recommendation 1

That the Sheriff-Coroner employ a full-time forensic technician within the next two years.

Finding 2

Specialized training of the staff in the areas of infection control and blood-borne pathogens is inconsistent.

Recommendation 2a

That the Sheriff-Coroner implement policies and procedures that require training of each Coroner's Bureau employee in areas of infection control and blood borne pathogens on an annual basis.

Recommendation 2b

That the Sheriff-Coroner provide for employee training records to be maintained on site at the Coroner's Bureau and to be updated annually.

Finding 3a

The presence of lingering noxious odors in the Coroner's Bureau indicates that the existing ventilation system is not adequate.

Finding 3b

A code compliant ventilation system is necessary to control and prevent the potential of infectious agents affecting the health of Bureau staff and the public.

Recommendation 3a

That the Santa Barbara County Board of Supervisors allocate the funds to retain a mechanical engineering firm to study and make design recommendations for the Coroner facility ventilation system.

Recommendation 3b

That the Santa Barbara County Board of Supervisors allocate the funds to implement the design recommendations for the ventilation system in the Coroner's facility.

Finding 4

Currently there is no isolation area in the Coroner's Bureau suitable for performing autopsies on high-risk cases.

Recommendation 4

That the Sheriff-Coroner provide an isolated area in the Coroner's Bureau suitable for performing autopsies on high-risk cases.

Finding 5

The current autopsy room air conditioner is not adequate to provide an efficient, comfortable working environment.

Recommendation 5

That the Sheriff-Coroner upgrade the air conditioning system in the current autopsy room to provide an efficient, comfortable working environment until the engineering study is completed and recommendations are implemented.

Finding 6

The Goleta Sanitary District failed to issue the correct Industrial Wastewater Permit under its Ordinance No. 77, to the Coroner Bureau.

Recommendation 6

That The Goleta Sanitary District issue the appropriate permit consistent with the Bureau's application for discharge of medical waste from autopsies.

Finding 7

There is no log to record the internal temperature of the autopsy room evidence refrigerator.

Recommendation 7

That the Sheriff-Coroner require that a daily refrigeration internal temperature log be maintained on the autopsy room evidence refrigerator.

Finding 8

The Coroner's Bureau does not have an eye wash station.

Recommendation 8

That the Sheriff-Coroner install an eye wash station in each autopsy room.

Finding 9

Inefficient and obsolete dictation equipment is currently used during autopsies.

Recommendation 9

That the Sheriff-Coroner purchase and install digital dictation equipment for efficiency in preservation of and access to the pathologist's findings.

Finding 10

The air conditioning unit in the portable building is not sufficient to provide a comfortable working environment on warm days.

Recommendation 10

That the Sheriff-Coroner provide an air conditioning system sufficient to cool the portable building.

Finding 11

The landscape area surrounding the Coroner's Bureau is a weed patch overrun by rodents.

Recommendation 11

That within the next six months the Sheriff-Coroner install landscaping, provide rodent removal and implement a regular maintenance schedule.

Finding 12

A Coroner's Bureau is not required to be accredited.

Recommendation 12

That the Board of Supervisors include in all long-range strategic planning the goal of establishing and staffing a more centrally located facility that is eligible for full accreditation by the National Association of Medical Examiners.

REQUEST FOR RESPONSE

In accordance with *California Penal Code Section 933.05*, each agency and government body affected by or named in this report is requested to respond in writing to the findings and recommendations in a timely manner. The following are the affected agencies for this report, with the mandated response period for each.

Santa Barbara County Board of Supervisors – 90 days

Finding 3a, 3b, 12

Recommendation 3a, 3b, 12

Santa Barbara County Sheriff-Coroner – 60 days

Finding 1, 2a, 2b, 3a, 3b, 4, 5, 6, 7, 8, 9, 10, 11

Recommendation 1, 2a, 2b, 3a, 3b, 4, 5, 6, 7, 8, 9, 10, 11

The Goleta Sanitary District – 90 days

Finding 6

Attachment E

October 28, 2013

County of Santa Barbara

105 East Anapamu Street
Santa Barbara, CA 93101



Attn: Greg Chanis, Assistant Director, General Services, Support Services.

Project: Coroner's Office

Subject: Ventilation Study in response to, Santa Barbara Civil Grand Jury report titled, ***Sheriff-Coroner's Bureau: The Manner of Death – A Final Diagnosis*** (Published June 21, 2013 on Grand Jury Web Site)

Dear Greg,

In response to the Grand Jury report, Mechanical Engineering Consultants, Inc. has performed a study of the ventilation system at the Coroner's Office at 66 South San Antonio Road in Santa Barbara.

Findings 3a & 3b in the report refer to lingering noxious odors, lack of proper ventilation and lack of proper air conditioning. Below are our findings and recommendations. See attached floor plan and key notes for reference. Photos with notes are also attached for visual reference.

1) Office Area and Restrooms:

- a. The office area and restrooms are served by a forced air furnace and 3-ton split air conditioner. Ductwork layout is adequate with supply and return air in each major office space.
- b. No fresh air intake causes a negative pressure in relation to the outside and possible back feeding from the lab. Fresh air is required by code.
- c. The restrooms do not have exhaust fans but they do have supply air. When bathroom windows are closed, air will flow from the bathrooms to the office area.

Recommendations:

1. Add a fresh air intake to the office system and add exhaust fans to the restrooms.

2) Walk-in Cooler:

- a. The Cooler mechanical equipment is adequate.
- b. The Walk-in cooler ceiling is corroded and in need of repair.
- c. The ventilation for the compressor mechanical room is not functioning.
- d. The compressor room exhaust fan is not operational.
- e. The compressor is low on refrigerant.

Recommendations:

1. Repair corroded cooler ceiling.

1616 Anacapa Street, Santa Barbara CA 93101-1910

TEL: (805) 957-4632 FAX: (805) 957-4699



2. Fix or replace the compressor room exhaust fan and add refrigerant to the compressor.
3. Add a small dedicated exhaust to the cooler to keep it at a negative pressure at all times.

3) Autopsy Lab:

- a. Code requires a minimum of 12 air changes per hour and laminar flow with supply air overhead and exhaust low on the wall. Code also requires exhaust to be discharged up and away from the structure and occupied areas.
- b. Exhaust vents are low wall as required, but makeup air is not located to provide laminar flow.
- c. Exhaust air flow was tested and the current air flow is approximately 28 air changes per hour (1,560 CFM). More than adequate to meet the air change requirement (Finding 3a).
- d. The existing exhaust fan does not discharge air up and away from the building (Finding 3b).
- e. The existing exhaust system has a filter rack for a 20"x 24"x 2", 30% efficient filter. This filter was found collapsed in the duct from lack of service (Finding 3b).
- f. It was also discovered that the makeup air system has been disabled and abandoned in place (Finding 3b). This causes a negative pressure in the lab of -0.29" WC when the doors are closed and exhaust is running. Normal negative pressure should be -0.01" WC.
- g. The lab has a 1.4 ton window air conditioning unit that is inadequate when the exhaust fan is operating.
- h. The office area air conditioning system also serves the lab.

Recommendations:

1. Replace the makeup air system to provide well filtered and conditioned (heated and cooled) fresh air, properly distributed to provide laminar flow at the autopsy table and full coverage in the lab (Recommendation 5).
2. Replace the rooftop exhaust fan with a vertical discharge fan and high velocity stack (Recommendation 3b).
3. Remove the office A/C supply grille and cap the duct. Office and Lab air systems must be segregated.
4. The size of the window A/C unit is adequate to control the room temperature when the exhaust fan and makeup air systems are off. Conditioned makeup air will control the room temperature when the exhaust system is operating.
5. Add room static pressure gauges to prove negative lab pressure to occupants of the building.

4) Locker Room:

- a. The locker room is served by a 3-ton ductless split air conditioner. This is oversized for this room, however it is working.
- b. There is a small general exhaust fan in the center of the room that is not operational.
- c. The shower and water closet are served by a large exhaust fan that may have once served a fume hood. Air flow is much more than required for these rooms and draws makeup air from the rest of the building when operating.
- d. The disabled makeup air system (Finding 3b) also has duct and grilles serving this room.

Recommendations:

1. Replace the oversized bathroom and shower exhaust fan with appropriately sized fans.
2. Cap off the makeup air ductwork into this space and patch the ceiling.
3. Repair or replace the existing general exhaust fan and interlock with the office FAU fan for continuous operation during occupied hours.

5) Office (Lab):

- a. This back office is served by the front office A/C system. No changes are needed.

Cordially,

Steve Dahl & Paul Tziouvaras
For: Mechanical Engineering Consultants, Inc.

SCO1306_Coroners_Report_Findings_3a_3b(MEC_10-28-2013).docx

Attachment E



Lab & Locker Room Makeup Air Unit, Disabled.

Locker Room A/C Condensing Unit.

Office A/C Condensing Unit.



Office A/C Furnace and Evaporator.

No Fresh Air Intake.



Walk-In Cooler Ceiling Corrosion.

Attachment E



Office A/C Vent into Autopsy Lab

Disabled Makeup Air Vents.

Low Wall Exhaust Vents.



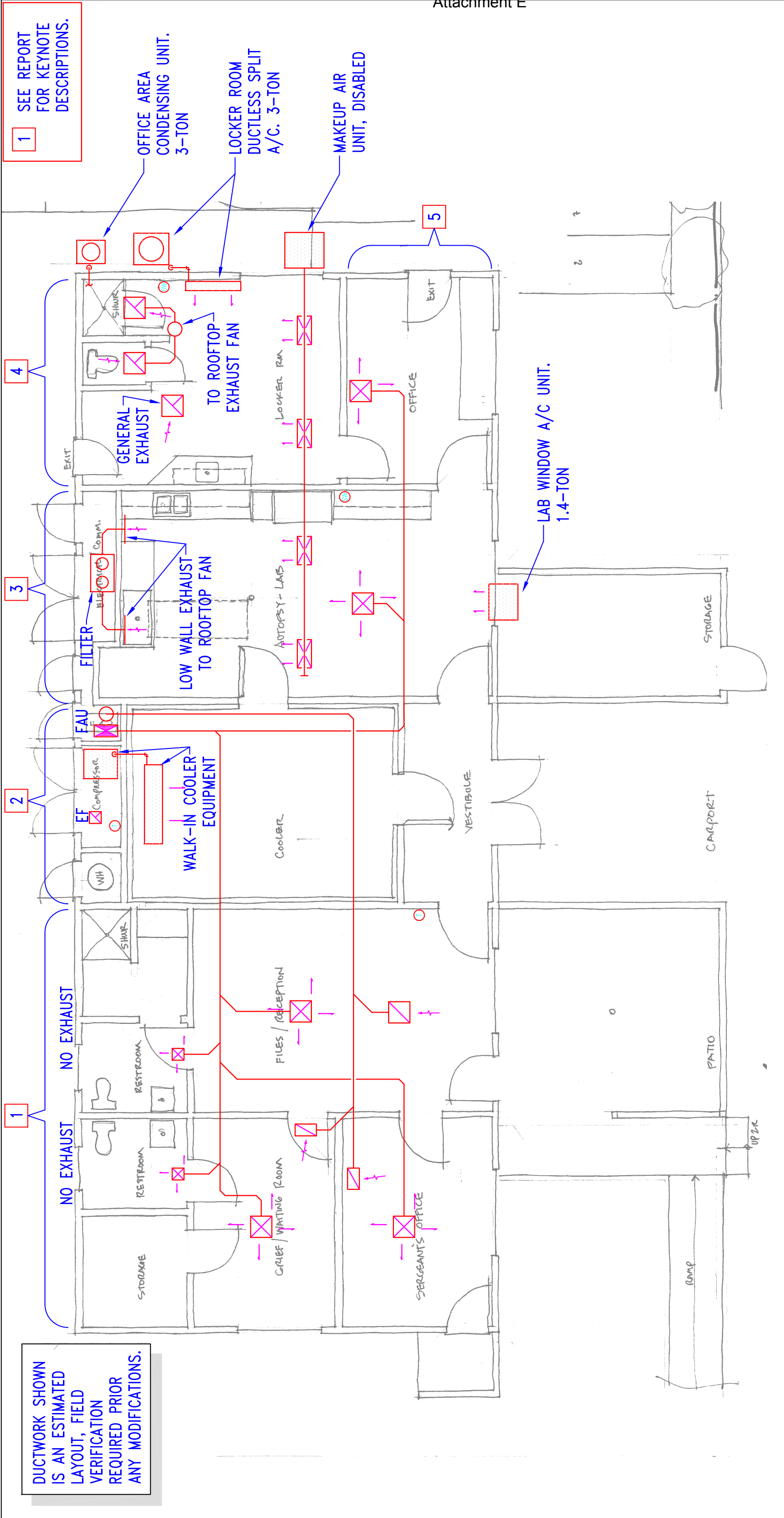
Locker Room Shower and Toilet Exhaust Fan.

Locker Room General Exhaust, Not Operational.

Autopsy Lab Exhaust Fan. Down Shot Discharge.



Autopsy Lab Exhaust Duct Filter. Requires Regular Replacement.



1 SEE REPORT FOR KEYNOTE DESCRIPTIONS.

DUCTWORK SHOWN IS AN ESTIMATED LAYOUT, FIELD VERIFICATION REQUIRED PRIOR ANY MODIFICATIONS.

<p>PROJECT: VENTILATION STUDY OF COUNTY CORONER'S OFFICE</p>	<p>ADDENDUM #</p>
<p>DESCRIPTION: MAIN BUILDING EXISTING CONDITIONS.</p>	<p>DATE: 10-11-13</p>
<p>SITE: COUNTY OF SANTA BARBARA CORONER'S OFFICE SHEET TITLE: MAIN BUILDING MECHANICAL FLOOR PLAN SCALE: NTS DRAWN BY: SD CHECKED BY: SD</p>	<p>SHEET: MSK-1 1 OF 2</p>

SCO-1306
MECHANICAL ENGINEERING CONSULTANTS INC.
 1616 Anacapa Street
 Santa Barbara, Ca 93101
 Tel (805) 957-4632

Attachment E

October 22, 2013

Andrew Tranovich
County of Santa Barbara Capital Projects
1105 Santa Barbara Street
Santa Barbara, CA 93101



Project: SB County Coroner's Office

Subject: Fees for A/E Services in response to, Santa Barbara Civil Grand Jury report titled, ***Sheriff-Coroner's Bureau: The Manner of Death – A Final Diagnosis*** (Published June 21, 2013 on Grand Jury Web Site)

Dear Andrew,

Thank you for the proposal request. Enclosed is my understanding of the scope of services and associated fees based on the recent documents received and our conversations.

MEC proposes to provide traditional architectural, mechanical, electrical, structural engineering services for the following, based on review of the Grand Jury report and MEC's evaluation and report:

- A. Findings 3a and 3b.

MEC proposes to provide bid/construction phase services as follows:

- A. One scheduled pre-bid meeting.
- B. Review and process addendums.
- C. One scheduled pre-construction meeting.
- D. Review and process RFI's.
- E. Review submittals and shop drawings to include initial review and subsequent correction review.
- F. Up to two site observations of the work in progress with a written report.

Fees:

The fee for the above services is:

Findings 3a and 3b \$29,000

Preliminary Construction Costs:

Findings 3a and 3b \$62,000 - \$72,000

Reimbursable Expenses:

Reimbursable expenses will be invoiced per attached exhibits.

Exhibits:

Attached Exhibit "A" is a part of this agreement.

Services not included above, that may be provided on a time and material basis at the then current hourly rates, if requested, and mutually agreed to, include but are not limited to:

- A. Work beyond the scope above.



Attachment E

SB County Coroner's Office
Findings 3a, 3b

October 22, 2013

Page 2

Cordially,



Paul Tziouvaras, Principal
For Mechanical Engineering Consultants, Inc.

Please sign and return one original signature copy if you wish MEC to do the work as described above.

Signed: _____ Date: _____

Title: _____

Exhibit A

The following rates apply through year end:

<u>Description</u>	<u>Rate(\$/hr)</u>
Principal	160.00
Senior Engineer.....	145.00
Engineer/Senior Designer	140.00
Assistant Engineer 1	125.00
Assistant Engineer 2	115.00
Title 24 Energy Analyst	100.00
Senior Drafter	100.00
Drafter	90.00

Overtime: When applicable, will be invoiced at 1.5 times the billing rate for standard overtime, and 2.0 times the billing rate for Holidays.

Reimbursable expenses:

<u>Description</u>	<u>Charge</u>
Plots on bond paper.....	\$4.00/sheet
Plots on vellum	\$8.00/sheet
Photocopies	\$0.15/sheet
Shipping.....	Cost plus 15%
Reproduction	Cost plus 15%
Mileage	\$0.555/mile
Authorized Outside Services.....	Cost plus 15%