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April 1, 2015

BILL BROWN
Sheriff - Coroner
BERNARD MELEKIAN
Undersheriff

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.

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

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

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.

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 PAPER equipment for our Coroner's Unit Personnel, beginning in March 2014. The purchased PAPER 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 PAPER equipment. In conjunction with the necessary PPE clothing, the use of our hooded PAPER equipment causes significant heat buildup, causing dangerous heat-stress upon our personnel. The use of PAPER equipment also significantly diminishes the ability

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.*

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.

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