

SANTA BARBARA COUNTY SHERIFF'S OFFICE
RESPONSE TO THE SANTA BARBARA COUNTY
GRAND JURY 2012-2013 REPORT
"SHERIFF-CORONER'S BUREAU
THE MANNER OF DEATH-A FINAL DIAGNOSIS"

Finding 1: *The continuing use of part-time retired staff is not adequate to assist during autopsies.*

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

The Sheriff's Office is currently utilizing two retired Sheriff's investigators on an extra-help basis, to assist the Sheriff's pathologist during autopsies. Both of these retired investigators are highly experienced Coroner's Investigators who are able to effectively assist our pathologist during autopsies. The relevant experience and qualifications of these retired Sheriff's investigators are likely far superior to those of any anticipated entry level forensics technician that may be hired on a full-time basis in the future. Furthermore, our use of the extra-help retired investigators has saved Santa Barbara County taxpayers a considerable amount of money, as they are only utilized when necessary (part-time) and Santa Barbara County does not fund the benefits package provided to full-time employees.

Having said the above, we recognize our continued reliance upon the retired Sheriff's investigators may not be sustainable. Both of the currently utilized retired Sheriff's investigators have been retired for a considerable length of time and it is unknown how long they will continue to be available to provide this service. We have begun planning for alternative means of providing these types of services in the long-term, with a focus on transitioning to the use of a specialized forensics technician. Based upon the Sheriff's Office "status quo" FY 2013/2014 budget, we must continue utilizing the extra help services of our retired Sheriff's investigators for at least the current fiscal year, in order to address our budget constraints.

Recommendation 1: *That the Sheriff-Coroner employ a full-time forensic technician within the next two years.*

Response to Recommendation 1: **This recommendation will not be implemented because it is not reasonable.**

With our current budget, the Sheriff's Office cannot currently fund and facilitate the hiring and assignment of a forensics technician within the Coroner's Bureau without causing a significant negative impact upon the services provided to our community by the other units, bureaus and divisions of the Sheriff's Office. Due to the significant staffing level cutbacks that have occurred within the Sheriff's Office over the past five years, we are currently unable to shift staffing within our organization without significantly diminishing the levels of service provided to our communities.

It is our hope that once the County's fiscal strength has sufficiently recuperated, we will be able to hire an additional full-time forensics technician, to be assigned within the Coroner's Bureau. However, due to the continuing uncertainty of Santa Barbara County's financial strength in

future years, it is unknown whether or not this can be accomplished within the two year time frame recommended by the Grand Jury.

Finding 2: *Specialized training of the staff in areas of infection control and blood-borne pathogens is inconsistent.*

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

The Sheriff's Office insures the training provided to our personnel assigned to the Coroner's Bureau is fully compliant with California Peace Officer Standards and Training (POST) requirements. Our Forensics Bureau personnel receive regularly scheduled training, pursuant to POST standards. The CPR and First Aid components of this mandated POST training include infection control and blood-borne pathogen content. Additionally, our Forensics Bureau personnel receive infection control and blood-borne pathogen training while attending the basic Coroner's Investigator training attended after their assignment to the Forensics Bureau.

Recommendation 2a: *That the Sheriff-Coroner implement policies and procedures that require training of each Coroner's Bureau employee in the areas of infection control and blood borne pathogens on an annual basis.*

Response to Recommendation 2a: **The Sheriff's Office is in the process of implementing this recommendation.**

As stated in our response to Finding 2, The Sheriff's Office already insures the training provided to our personnel assigned to the Coroner's Bureau is fully compliant with California Peace Officer Standards and Training (POST) requirements.

However, we welcome suggestions and ideas that can enhance the safety of our employees. The concerns raised within the Grand Jury report have caused the Sheriff's Office to further research this topic and to identify improvements to our procedures, training and documentation relating to this important subject matter. We are currently moving forward with enhancements to our blood-borne pathogen and infection control protocols and training regimen within our Coroner's Bureau. The Sheriff's manager assigned to oversee the Coroner's Bureau implemented enhancements to our bureau / unit level training program. Consistent with the requirements contained within Title 8 of the California Code of Regulations, we will insure that infection control and blood-borne pathogen training is addressed within this bureau / unit level training program. These enhancements will enable the Coroner's Bureau to more efficiently document ongoing unit level training provided to our Coroner's Bureau personnel. This bureau / unit level training program will be memorialized within documentation that will be retained by the Sheriff's Training Bureau.

The Sheriff's Office will immediately initiate internal annual training for all personnel assigned to the Coroner's Bureau. This training will review infection control and blood-borne pathogen topics as they pertain to the duties of deputy coroners.

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.*

Response to Recommendation 2b: **The Sheriff's Office will not be implementing this recommendation because it is not warranted.**

The Santa Barbara Sheriff's Office utilizes a centralized Training Bureau, where all official training files are maintained. The Sheriff's Office has over 600 full-time and 100 part-time employees and operates out of 25 separate work sites. Attempting to maintain employee training records at these 25 separate work sites would undoubtedly result in lost and/or incomplete training records. The use of a centralized Training Bureau is an absolute necessity, in order to ensure that training files are able to be accounted for, maintained in a manner consistent with California Peace Officer Standards and Training (POST) and Standards and Training for Corrections (STC) guidelines. It is also the Training Bureau's responsibility to insure the files are protected within the confines of California state law relating to the confidentiality of Peace Officer personnel files and our department policy.

Finding 3a: *The presence of lingering noxious odors in the Coroner's Bureau indicates that the existing ventilation system is not adequate.*

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

It is our position that lingering noxious odors are not always present at the Coroner's facility. Under most circumstances, the facilities, equipment and methodologies currently utilized at our Coroner's Bureau are able to effectively control and mitigate the potentially noxious odors associated with routine post-death decomposition. We do recognize that, due to the state of the aged equipment at the Coroner's Bureau, our current facilities, equipment and methodologies are at times unable to effectively control the odors caused when working with and storing decedents with advanced decomposition. However, according to our pathologist, any mortuary-type facility without a state-of-the-art ventilation system will have some odor from time to time. Such odors are normal in similar circumstances. Therefore, the presence of some odor is not necessarily indicative of an inadequate ventilation system.

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.*

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

Similar to our response to finding 3a, it is our position that lingering noxious odors are not always present at the Coroner's facility. Under most circumstances, the facilities, equipment and methodologies currently utilized at our Coroner's Bureau are able to effectively control and mitigate the potentially noxious odors and health concerns associated with routine post-death decomposition. However, we recognize that our current facilities, equipment and methodologies are occasionally unable to completely eliminate the odors and potential health concerns related to working with and storing decedents with advanced decomposition.

Prior to the Grand Jury investigation and subsequent issuance of their report, the supervision and management team for the Sheriff's Office Coroner's Bureau made initial inquiries regarding potential improvements to the existing Coroner's facility ventilation system including equipment requirements and costs. Based upon these initial inquiries, the significant facility upgrade recommended in this report cannot be achieved within the present Sheriff's Office budget and would require a special allocation of funds by the Santa Barbara County Board of Supervisors. It is the position of the Sheriff's Office that we have made appropriate modifications to the Coroner's Bureau to mitigate the impact of obnoxious odors. The next step in the mitigation effort is to fund a study to recommend design modifications to the Coroner's facility ventilation system, as mentioned in Recommendation 3a.

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.*

Response to Recommendation 3a: This recommendation has not yet been implemented. According to the CEO's Office, this matter will be brought before the Board of Supervisors for their consideration within the next eight (8) weeks.

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.*

Response to Recommendation 3b: This recommendation requires further analysis.

At this time there are not sufficient funds in the Sheriff's Office budget to pay for the recommended study. However, as a result of the mechanical engineering firm's report mentioned in Recommendation 3a, the Board of Supervisors could consider staff-generated options for possible ventilation system redesign and funding sources. The Board may also consider not to proceed at this time with any project. It is estimated that Board consideration could occur within two months after the General Services Department receives the final report from the mechanical engineering firm. If the Board decides to proceed with this project, the scope must take into account the impact on services and the need to find a temporary location to move the Coroner's function to during the construction.

When considered with the totality of the other Grand Jury findings and recommendations regarding the Coroner's Bureau facility, it is our belief that the Board of Supervisors should ultimately consider whether or not it would be more cost effective and/or appropriate to completely replace the Coroner's Bureau facility with a new, purpose-built facility, designed and constructed to comply with relevant laws, codes and best practices.

Finding 4: *Currently there is no isolation area in the Coroner's Bureau suitable for performing autopsies on high-risk cases.*

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

The current Coroner's Bureau facility does not have a dedicated isolation area for conducting autopsies in high risk cases. If we have the need to conduct an autopsy on a high-risk case, the limitations of our current facility and equipment will necessitate that we coordinate and contract with other entities to gain access to the necessary facilities, equipment and personnel who are appropriately trained to conduct 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.*

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

A state of the art facility would have a dedicated isolation area as described by the Grand Jury. However, the types of cases that would require this type of isolation area are extremely rare. And when those rare cases do arise, we look to our partnering agencies that have this capability to assist us. In the past three years, there was one case that would have necessitated this type of isolation area. It is our position that Grand Jury Recommendation 4 would require significant and expensive upgrades to the existing Coroner's facility, including structural changes and enhancements to the building's secondary systems, including the ventilation system.

Additionally, the establishment of an isolation autopsy room would require the purchase and maintenance of specialized medical and personal protective equipment (PPE) that we do not currently possess. Consistent with our response to recommendations 3a and 3b, it is our position that we cannot effectively implement this recommendation without the Board of Supervisors allocating sufficient funding to study, engineer, recommend, construct and implement the necessary changes and upgrades to the existing Coroner's facility.

As stated earlier, when considered with the totality of the other Grand Jury findings and recommendations regarding the Coroner's Bureau facility, it is our belief that the Board of Supervisors should consider whether or not it would be more cost effective and/or appropriate to completely replace the existing Coroner's Bureau facility with a new, purpose-built, Coroner's facility, designed and constructed to comply with relevant laws, codes and best practices.

We would also like to point out that in an effort to better protect our Coroner's unit personnel when working on cases that involve potential air-borne contaminant concerns, we previously purchased and are utilizing 3M model 6800 full-face respirators, with organic vapor filters. We also provide our Coroner's Bureau personnel with disposable Tyvek suits, booties and headgear to minimize potential contamination and exposure concerns.

Finding 5: *The current autopsy room air conditioner is not adequate to provide an efficient, comfortable working environment.*

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

It is our position that the existing air conditioning unit within the Coroner's facility autopsy room has an appropriate cooling capacity for the autopsy room and is able to provide a comfortable working environment during the vast majority of our business days. The concerns regarding uncomfortable temperatures within the autopsy room on warm days are not the result of insufficient cooling capacity from the existing air conditioning unit within the autopsy room. The existing air conditioning unit is a Samsung model AW15ECB7, rated at 14,700 BTU per hour. According to Samsung, this air conditioning unit is designed to effectively cool up to 700 square feet of space. The autopsy room is approximately 350 square feet, well below the rated cooling capacity of the Samsung air conditioning unit. Even when considering the additional heat load generated by the equipment and personnel within this room when autopsies are performed, the existing air conditioning unit possesses adequate cooling capacity to provide a comfortable working environment within the autopsy room.

Ultimately, the perceived inability of the existing air conditioning unit to effectively cool and condition the air within the autopsy room (as was reported by our personnel to the Grand Jury members) was actually the result of the previously mentioned shortcomings of the existing overall ventilation / air handling systems within the Coroner's Bureau facility. In discussing this topic with our Coroner's Bureau personnel, we determined the problem of an uncomfortably warm autopsy room was the result of our Coroner's Bureau staff opening up doors to adjacent rooms and oftentimes exterior doors leading into these adjacent rooms, all done in an effort to enhance the flow of fresh air through the autopsy room and mitigate the odors / stale air associated with performing autopsies. Of course, opening up these additional spaces and allowing the warm / hot outside air to freely enter the building, critically undermines the ability any air conditioner to effectively cool and condition the air within the autopsy room.

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.*

Response to Recommendation 5: The Sheriff's Office will not be implementing this recommendation, because it is not warranted.

The Sheriff's Office will not be implementing this recommendation, because a simple upgrade to the air conditioning unit will not enhance the working environment of our personnel and will unnecessarily waste taxpayer dollars. As noted within our response to Finding 5, the problem of an uncomfortably warm environment within the autopsy room on hot days is not the result of a lack of cooling capacity from the existing air conditioning unit, but the result of Coroner's Bureau personnel's attempts to overcome the previously mentioned shortcomings of the existing overall ventilation / air handling systems within the Coroner's Bureau facility. As noted within our responses to Findings 3a and 3b, as well as Recommendations 3a and 3b, proper improvements to the overall ventilation / air handling systems within the Coroner's Bureau facility will be an extensive project and is not something the Sheriff's Office is capable of implementing without necessary allocation of funding through the Santa Barbara County Board of Supervisors.

In the interim, the Sheriff's manager charged with overseeing the Coroner's Bureau will work closely with our Coroner's Bureau personnel, exploring means of improving the working environment within the autopsy room on warm days.

Finding 6: *The Goleta Sanitary District failed to issue the correct Industrial Wastewater Permit under its Ordinance No.77, to the Coroner Bureau.*

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

Subsequent to receiving the Grand Jury report, our Coroner's Bureau supervision and management team coordinated with the Goleta Sanitary District to research, address and remedy this topic. The failure to insure the issuance of an appropriate permit was not the fault of the Goleta Sanitary District. The Sheriff's Office was and is responsible for insuring that any necessary permit applications are completed and submitted in a timely manner. The Sheriff's Office failed to complete and submit the required permit application paperwork beginning in December 2007. Coroner's Bureau personnel failed to realize the more recent paperwork submitted to the Goleta Sanitation District was only a survey and not the permit application paperwork necessary to maintain a wastewater permit under Goleta Sanitary District Ordinance number 77. This oversight was not recognized until the Sheriff's Office received the Grand Jury report. The Sheriff's Office immediately began working with the Goleta Sanitary District to correct this error.

Recommendation 6: *That the Goleta Sanitary District issue the appropriate permit consistent with the Bureau's application for discharge of medical waste from autopsies.*

Response to Recommendation 6: This recommendation was implemented.

As detailed in our response to Finding 6, the Coroner's Bureau supervision and management team coordinated with the Goleta Sanitary District to research, address and remedy our error in failing to submit the paperwork necessary to maintain the necessary permit.

Finding 7: *There is no log to record the internal temperature of the autopsy room evidence refrigerator.*

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

Our existing evidence refrigerator is equipped with a temperature alarm that will notify our Coroner's personnel if the temperature within the refrigerator rises or drops beyond the optimal temperature range. To date, we have relied upon the lack of an alarm event to establish the contents of the refrigerator were / are stored at the appropriate temperatures and we have not maintained a log documenting the internal temperature of the refrigerator.

Recommendation 7: *That the Sheriff-Coroner require that a daily refrigeration internal temperature log be maintained on the autopsy room evidence refrigerator.*

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 report, we researched, identified and purchased a temperature data logging device that will allow Coroner's Bureau personnel 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, Coroner's Bureau personnel immediately began utilizing the device and implemented procedures to download and store the logged data.

Finding 8: *The Coroner's Bureau does not have an eye wash station.*

Response to Finding 8: The Sheriff's Office partially disagrees with this finding.

The Coroner's Bureau facility has a shower available in the locker room for decontamination needs and the presence of a dedicated eye wash station within the Coroner's Bureau facility is not an OSHA requirement for our type of facility. However, we recognize that a dedicated eye wash station within the autopsy room is a good idea and will improve our ability to provide a safe working environment for our Coroner's Bureau personnel.

Recommendation 8: *That the Sheriff-Coroner install an eye wash station in each autopsy room.*

Response to Recommendation 8: The Sheriff's Office implemented this recommendation.

In response to the Grand Jury's recommendation, we researched available products and identified an automatic eye wash station that is within our FY 2013/2014 Coroner's program operating budget and which could be installed in the autopsy room without negatively impacting the ability of our personnel to effectively utilize the autopsy room. We have purchased the eye wash station and once it is received, Coroner's Bureau personnel will immediately have the device installed within our autopsy room.

Finding 9: *Inefficient and obsolete dictation equipment is currently used during autopsies.*

Response to Finding 9: The Sheriff's Office agrees with this finding.

The cassette tape dictation and transcription system that was used by our pathologist at the time of the Grand Jury investigation was outdated and inefficient by today's standards. However, it was a system that our pathologist was comfortable working with and which allowed him to effectively dictate his reports for later transcription.

Recommendation 9: *That the Sheriff-Coroner purchase and install digital dictation equipment for efficiency in preservation of and access to the pathologist's findings.*

Response to Recommendation 9: The Sheriff's Office implemented this recommendation.

Prior to the release of the Grand Jury report, we researched available products and identified a digital dictation system that was within our FY 2012/2013 Coroner's program operating budget and which could be installed in the autopsy room without negatively impacting the ability of our personnel to effectively work within and utilize the autopsy room. We have purchased the dictation system, provided it to our pathologist and it is ready for use. However, the digital dictation system is not yet in use, as our pathologist must first learn the new system and become comfortable with its use before implementing its use in his normal duties. In the interim, our pathologist is continuing to use the existing cassette tape dictation system.

Finding 10: *The air conditioning unit in the portable building is not sufficient to provide a comfortable working environment on warm days.*

Response to Finding 10: The Sheriff's Office partially disagrees with this finding.

It is our position that the existing air conditioning unit within the portable building was able to provide an efficient and comfortable working environment during most of our business days. However, we recognize the existing wall mount air conditioning unit did not possess sufficient cooling capacity to adequately cool the portable building on particularly warm days and was oftentimes unable to provide for a comfortable working environment for our staff to work within during the warmer months.

Recommendation 10: *That the Sheriff-Coroner provide an air conditioning system sufficient to cool the portable building.*

Response to Recommendation 10: **The Sheriff's Office implemented this recommendation.**

In response to the Grand Jury's recommendation, we researched this concern and were able to locate several portable air conditioning units already in the Sheriff's Office inventory that were no longer being utilized. These portable air conditioning units were reassigned to our Coroner's Bureau, installed within the portable building and are currently being utilized. Our Coroner's Bureau staff subsequently confirmed the portable air conditioning units are able to sufficiently cool this office space.

Finding 11: *The landscape area surrounding the Coroner's Bureau is a weed patch overrun by rodents.*

Response to Finding 11: **The Sheriff's Office partially disagrees with this finding.**

It is our position this Grand Jury finding regarding the overall condition of the Coroner's Bureau grounds is overstated. We recognize that due to the lack of professional landscaping, the grounds surrounding the Coroner's Bureau facility experience substantial weed growth during the winter and spring months. We utilize inmate workers to abate this weed growth, but recognize the weed growth has become quite visible between our past abatement efforts. We further recognize the Coroner's Bureau facility is surrounded by properties consisting of relatively open spaces and because of this, various rodents including rabbits, squirrels and gophers regularly move about and through the Coroner's Bureau grounds. Our Coroner's Bureau supervisor coordinates with County General Services and/or a private extermination company to properly address all instances wherein vermin begin impacting the Coroner's Bureau buildings, our personnel and/or Coroner's Bureau operations.

Recommendation 11: *That within the next six months the Sheriff-Coroner install landscaping, provide rodent removal and implement a regular maintenance schedule.*

Response to Recommendation 11: This recommendation will not be implemented because it is not warranted.

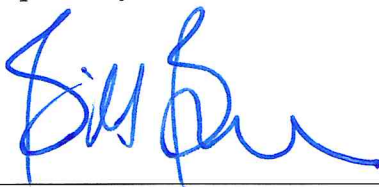
The Sheriff's Office will not be fully implementing the Grand Jury's recommendation that we landscape the Coroner's Bureau grounds within the next six months. The proper implementation of this recommendation would necessitate the allocation of significant funding, as it would require debris removal, extensive tree pruning / removal and the installation of a zero maintenance landscape that is not conducive to weed growth and rodent infiltration / inhabitation. The Sheriff's Office does not possess sufficient funding within the FY 2013/2014 budget to accomplish this extensive landscaping without transferring significant funding from other programs and units within the Sheriff's Office. Any such significant transfer of funding

would negatively impact the operation of the other programs and units within the Sheriff's Office, along with the services they provide to our communities. It is our hope that once the overall Santa Barbara County budget improves, additional funding will become available and allow us to increase the facilities and maintenance allowance within the Coroner's Bureau program budget and ultimately allow us to accomplish the recommended landscaping improvements. However, due to the continuing uncertainty of Santa Barbara County's financial strength in future years, it is unknown when this could be accomplished.

As noted in our response to Finding 10, the Sheriff's Office has always appropriately addressed necessary rodent removal concerns. Our Coroner's Bureau supervisor coordinates with County General Services and/or a private extermination company to properly address all instances where the rodent populations begin impacting Coroner's Bureau buildings, our personnel and/or Coroner's Bureau operations. We also contract with a local extermination company to control/prevent insect infiltration into our Coroner's Bureau facility. As noted above, a more global environmental / landscaping approach to this concern would require allocation of significant funding to properly mitigate rodent populations moving through or inhabiting the surrounding grounds.

The Sheriff's Office has implemented the Grand Jury's recommendation regarding the implementation of a regular grounds keeping schedule. The Coroner's Bureau supervisor coordinated with the Sheriff's Custody Division to utilize inmate work crews to increase the frequency of grounds maintenance efforts to more effectively control weed growth and the buildup of tree debris. In July 2013, a procedure to schedule an inmate work crew on a biweekly basis to conduct needed weed clearing and grounds maintenance was implemented.

Respectfully submitted,



BILL BROWN
Sheriff - Coroner