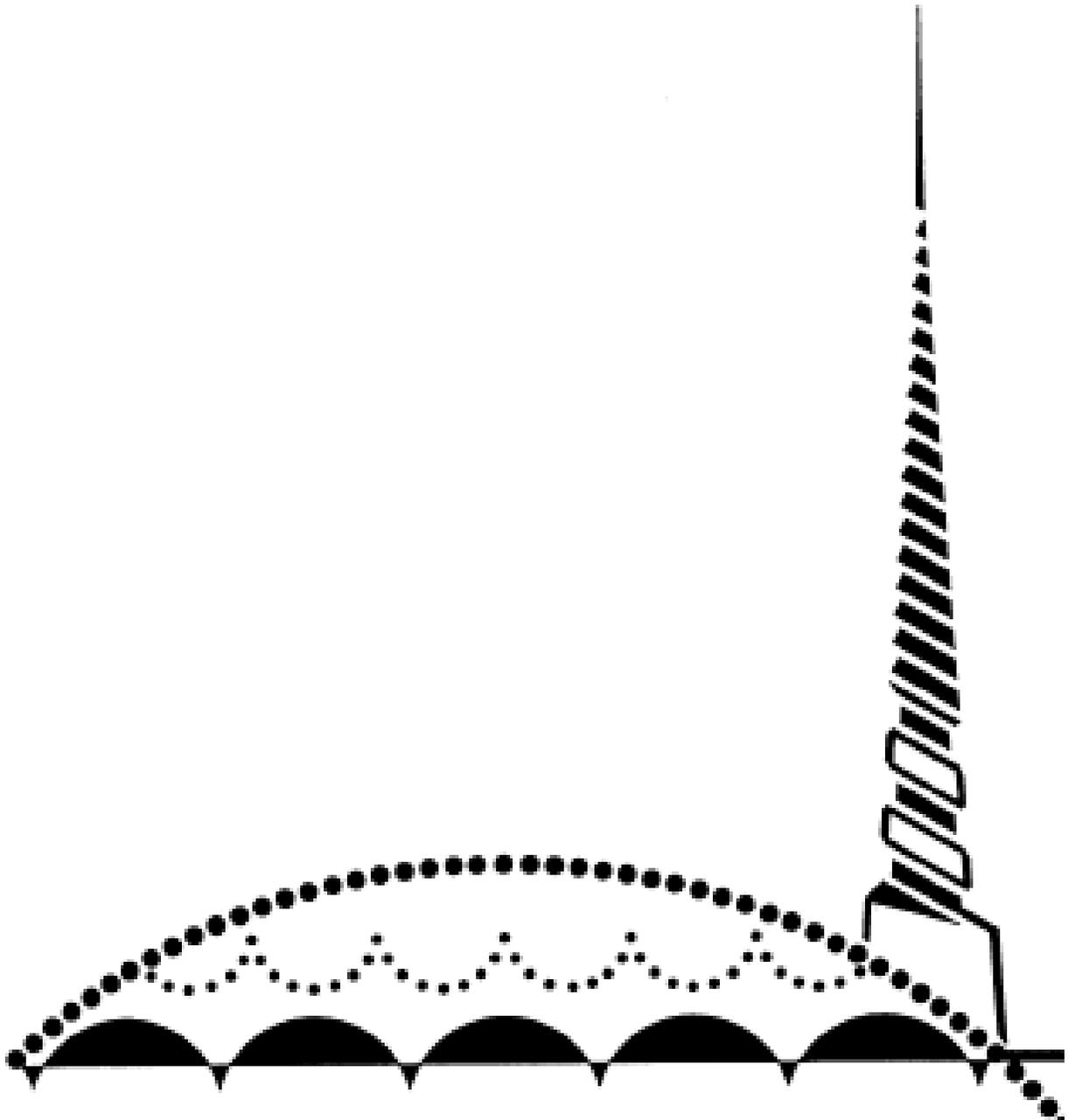
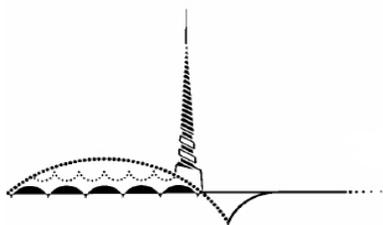


2008-2009 MARIN COUNTY CIVIL GRAND JURY

The County Coroner's Office and the Need for a Morgue

February 10, 2009





SUMMARY

The Grand Jury last reviewed the operation of the Marin Coroner's Office nearly a decade ago, recommending at that time that the county establish a central forensics facility for the coroner's staff, along with a morgue suitable for conducting autopsies that are required by law. Despite several attempts, a morgue has not been built. Instead, the coroner contracts with local mortuaries for use of their facilities for required autopsies.

The current Grand Jury has reviewed the operation of the coroner's office and investigated whether a need for a morgue still exists. We also considered whether the coroner's small staff should be incorporated into the sheriff's department to save money.

In 2008, the coroner received reports of 874 deaths and investigated 647 cases, with autopsies required in 209 of them. There were 50 coroner cases not requiring autopsy. Of the coroner cases, 110 were deemed natural deaths, 2 were industrial accidents, 5 were traffic accidents, 43 were other accidents, 25 were of undetermined cause, 10 were homicides (including 4 vehicular homicides) and 56 were suicides. The number of suicide deaths, many of them from the Golden Gate Bridge, gives Marin County the dubious distinction of having more suicides per capita than any other county in the nation.

The Marin Coroner's Office has a staff of seven and has remained at that level for more than 30 years, primarily because Marin's population has not grown appreciably.

The Grand Jury visited the facilities used by the coroner at three mortuaries with which the county contracts for autopsy space at \$225 per case. The space available at each facility for coroner autopsies is small and cramped, with inadequate lighting and ventilation. Security is insufficient for crime-related coroner cases, and most are taken to a modern Napa County Morgue.

Napa County three years ago opened an \$18 million county sheriff/coroner's office building that includes a state-of-the-art morgue. Napa charges Marin between \$750 and \$1,450 per case for the use of its facility and personnel, depending on the complexity of the case.

Marin County has long been aware of the need for a central forensics facility that would house the coroner's staff and offices and a secure morgue. The county has earmarked \$1.75 million in its capital budget for a Marin County morgue. This amount is insufficient to build a new morgue, but it is believed to be enough to renovate and equip about 8,000 square feet of space in an existing building for a morgue, storage area and offices.

Establishment of an up-to-date forensics facility and morgue is long overdue in Marin. The Grand Jury recognizes the fiscal crisis facing Marin and the rest of California. But our investigation confirms that appropriate leased space for a forensics facility can be renovated and equipped for about \$1.75 million in capital expenditures that has been set aside for this purpose. Operation of a county morgue will cost somewhat more than the current system of relying on local mortuary space. However, such a facility will mean faster and more efficient service for police in conducting investigations of accidents and suspicious deaths, and it will mean a cleaner and safer work environment for coroner personnel.

The Grand Jury recommends that the county establish a modern central Marin County forensics facility and morgue.

Every California county has a coroner's office, but most of them are combined with sheriff's departments. Of the state's 58 counties, 47 provide for the sheriff to assume the duties of the coroner. Despite some claims to the contrary, the Grand Jury concludes that folding the coroner's operations into the sheriff's department would not achieve significant savings for Marin County. This is because about 70 percent of the coroner's budget is devoted to payroll, and the pay of sheriff's personnel generally is greater than that of coroner personnel. Moreover, the evidence suggests that, at least initially, merger of the two offices would result in lost quality and efficiency in carrying out the coroner's responsibilities.

The Grand Jury recommends that the sheriff's and coroner's offices not be consolidated.

BACKGROUND

The Marin County Coroner's Office investigates the cause of death for all sudden or unexpected deaths in the county and all natural deaths where the person has not been under a physician's care within the 20 days prior to death. The coroner also is responsible for identification of unknown decedents and for locating and notifying next of kin. The office deals regularly with grief counseling and is committed to public outreach for substance abuse prevention, proper care of the elderly and elder abuse prevention in homes and care facilities.

The Grand Jury last reviewed the operation of the coroner's office in May 2001. Among other things, the Grand Jury at that time recommended that the county establish a central forensics facility for the coroner's staff, along with a morgue suitable for conducting autopsies that are required by law. This facility has not been built, and autopsies continue to be conducted in mortuaries. This report reviews the operation of the coroner's office and notes the steps taken to establish a central forensics facility.

All 58 counties in California have a coroner's office and 47 of them are combined with sheriff's departments. Los Angeles, San Diego and San Francisco have forensic pathologists who serve as coroner/medical examiner. Most counties retain forensic pathologists on an as-needed basis. Marin County followed this practice until last year

when a forensic pathologist was retained to work full time for the Marin Coroner on a contract basis with the county. The contracted pay for the pathologist comes out of the coroner's budget, but the amount is less than what the coroner previously paid for retaining pathologists for each case.

California Penal Code Section 830.5 requires that coroners and deputy coroners be sworn peace officers, although they are not required to have the more extensive California Peace Officers Standards and Training courses for first-response police officers. Government Code Section 27491 grants the coroner's office authority to determine the extent of investigation for all reported deaths. Under Section 27491, the coroner is required to determine the circumstances, manner and cause of all deaths where the decedent was not under the care of a physician. All deaths in which a physician is unable to state a cause of death become coroner cases and autopsies are required.

The Marin Coroner's Office has a staff of seven, including elected Coroner Kenneth Holmes, a supervisor/assistant coroner, three investigators, a medical transcriber and a senior clerk/typist. Staffing has remained at seven for more than 30 years, primarily because the workload has remained stable. Marin's population (approximately 250,000) has not grown substantially and people are getting better medical treatment and living longer. The coroner's budget is approximately \$1.2 million per year. The county pays most of that, although the office collects some \$270,000 annually from federal and state sources where particular coroner procedures are mandated (such as deaths involving prisoners, parolees and probationers) and about \$35,000 in charges for services to families, primarily costs for transportation of bodies.

METHODOLOGY

The Grand Jury reviewed the duties and functions of the Marin County Coroner's Office by interviewing that office's staff, visiting the three local mortuaries where autopsies are performed, and inspecting the Napa County Morgue and questioning personnel there. The Grand Jury also questioned other Marin County officials and law enforcement officers who deal regularly with the coroner's office and conducted Internet and legal research on issues affecting coroner's offices generally.

DISCUSSION

Current operation of the coroner's office

In 2008, the coroner received reports of 874 deaths and investigated 647 cases, with autopsies required in 209 of them. There were 50 coroner cases not requiring autopsy. Of the coroner cases, 110 were deemed natural deaths, 56 were suicides, 10 were homicides (including 4 vehicular homicides), 2 were industrial accidents, 5 were traffic accidents, 43 were other accidents and 8 cases are still pending. There were 25 cases in which manner of death could not be determined, generally in drug overdose deaths that could be either accidental or suicide.

Of the 56 suicide deaths, 20 were of victims who jumped from the Golden Gate Bridge. The suicides there are the responsibility of the Marin Coroner because the U.S. Coast Guard retrieves most of the bodies and brings them to its port at Fort Baker in Sausalito. Because of these suicides and an average of two or three suicides per year at San Quentin Prison, Marin County has the highest per capita suicide rate in the country. If Golden Gate Bridge and San Quentin suicides are eliminated, Marin's per capita rate is comparable to most other counties.

In 2007, the coroner received reports of approximately 918 deaths and investigated 711 cases, with autopsies required in 222 of them. There were 56 coroner cases not requiring autopsy. Of the 278 coroner cases, 113 were deemed natural deaths, 73 were suicides, 51 were accidental and 5 were ruled homicides (including 3 vehicular deaths). There were 36 cases in which manner of death could not be determined. Of the 73 suicide deaths, 34 were of victims who jumped from the Golden Gate Bridge.

The coroner's office is notified, typically by local law enforcement officers, when any death occurs in Marin County. Where there is any question about cause of death, a coroner investigator is dispatched to the scene to determine what further action is necessary. Bodies requiring autopsies are usually taken to one of the three local mortuaries that on a rotating basis receive coroner cases. The mortuaries bill the county \$225 per case for the use of their facilities.

All autopsies are performed by the county's full-time contracted forensic pathologist. Autopsies for suspicious deaths or deaths involving criminal activity are conducted under contract at the Napa County Morgue, where security and proper retention of evidence can be maintained. Physical evidence such as body tissue and evidence recovered during the autopsy are stored in the Napa facility to ensure preservation and chain of custody. Napa County charges between \$750 and \$1,450 per case to cover time at the facility, Napa County personnel on an hourly basis, and supplies and equipment. Cost of transporting bodies to and from Napa is \$300.

Once autopsy procedures are complete, bodies of the deceased are released to the families for burial or cremation. Coroner personnel counsel families of the deceased and assist them with arrangements. When families are unknown or can't be located, the coroner investigators take over. The investigators are skilled in tracking kin through the slimmest of leads—deteriorated clothing, scraps of paper, a key chain. One of Marin County's investigators in 2008 was named investigator of the year by the California State Coroners' Association for his ability to develop crucial information in identifying unknown bodies.

Conditions at local mortuaries

The Grand Jury visited the facilities used by the coroner at the three mortuaries with which the county contracts for services. While the mortuaries themselves are clean and well maintained for funeral services, the space available at each facility for coroner autopsies is confined to a single small room and is shared with the mortuary staff. The

Grand Jury observed that space at times has been so cramped that the pathologist and others trying to do their work would be jockeying for position with each other. Lighting and ventilation are poor and storage areas are limited to small cabinets or shelves. At one mortuary, the space available to the coroner had broken lighting and open shelves for the coroner's equipment. At another mortuary, there is room for only one body to be worked on at a time and there are only two refrigerated units available for coroner bodies. None of the local mortuaries inspected by the Grand Jury has a clean or properly equipped facility suitable for conducting autopsies. Furthermore, security in criminal cases is important and none of the mortuaries is able to provide the kind of security that crime-related cases require.

Until last year, when the pathologist was retained by the county, the Marin Coroner contracted with the Forensic Medical Group in Fairfield to conduct autopsies. Because of the conditions of the shared facilities at the three mortuaries in Marin, the Forensic Medical Group doctors refused to come to Marin to conduct autopsies in crime-related cases. The doctors said that because of the conditions at the mortuaries, they would be unable to testify in court that an autopsy had been properly conducted. This required transporting bodies to Fairfield for autopsies. When the Napa facility opened in 2005, the Marin Coroner contracted with Napa for use of its morgue when security and evidence retention are important.

One pathologist interviewed by the Grand Jury summarized the Marin situation as follows: "Conducting autopsies in the mortuaries is not safe for the doctor or for the community. Airborne pathogens can be released because of inadequate ventilation. The tables are designed for embalming and are too small for proper autopsies. There is inadequate space and inadequate lighting. The pathologist, coroner, investigators and the coroner's cases need to be out of the way when the morticians are doing their work preparing for funerals."

The situation is getting worse. Marin County today has fewer mortuaries available for coroner work because some local mortuaries have gone out of business or have been acquired by national chains that refuse to allow county autopsy work. There is concern that one of the mortuaries still available to Marin County may become part of a national chain and will decline further work with the county.

Napa County: A model facility

In stark contrast to the situation in Marin, Napa County three years ago opened an \$18 million county sheriff/coroner's office building that includes a state-of-the-art morgue. The morgue and related offices take up about 5 percent of the building's space while the remainder of the building houses the main sheriff's department. Solar panels generate most of the electrical power for the complex and on a sunny day provide for all operations except the refrigerated body storage room in the morgue. There is an automated system for lighting, air conditioning and heating. Sensors track body heat and movement, automatically shutting off utilities when a room is unoccupied.

As is true in most California counties, the sheriff in Napa County is also the coroner. In Napa County, the sheriff appoints a lieutenant as chief deputy coroner to oversee the morgue. A sergeant supervises day-to-day operations in the morgue. There are two full-time investigator/deputies, a secretary and a morgue attendant (called a deiner). The investigators are given special training in death and homicide investigations and are paid 5 percent more than regular deputies. Because they are called to the scene of deaths in the county, they are assigned cars for their exclusive use.

Before the morgue was built, Napa's autopsies were done in a local funeral home. Napa had a pathologist until her retirement two years ago, and now the coroner contracts with the Forensic Medical Group in Fairfield to do autopsies. Napa County has a population of 134,000, and there are between 165 and 200 autopsies a year in the county. The Forensic Medical Group charges \$800 to \$1,000 per autopsy. Marin and Lake Counties contract with Napa for homicide autopsies, and Contra Costa, Sonoma and Solano Counties also use Napa's morgue on an as-needed basis.

Napa's main autopsy suite is spacious, well-equipped and sparkling clean. There is room for four autopsies at a time in the main room. The wide stainless steel gurneys/autopsy tables clamp to sinks so that waste fluids drain directly. A shower and an emergency eyewash are in place in case there is contamination affecting the pathologist or morgue attendant during an autopsy. Exhaust fans with filters can be turned on during an autopsy to prevent airborne pathogens from escaping into the environment. Adjacent to the main room is a refrigerated area with storage capacity for 45 bodies. There is an X-ray room and a "clean" room where used gowns and other contaminated items are left for special laundering in the morgue's laundry. A conference room adjacent to the autopsy suite is equipped with a window for police officers, investigators and attorneys to view autopsies, or for families to identify a deceased family member.

Tissue Banks International, which collects tissues and organs donated by the deceased, has an office and a room for harvesting. It pays Napa \$3,000 a month for use of the facility. The Tissue Bank, with a national processing center in San Rafael, is a non-profit network of eye and tissue banks, providing corneas for sight-restoring transplant surgery and body tissues and bone for other reconstructive surgery. California and most other states have adopted the Revised Uniform Anatomical Gift Act requiring coroners to cooperate with tissue and organ banks.

Napa County states that its morgue was built to meet or exceed the county's needs for 50 years. While the county makes the facility available to other counties for homicide cases, the morgue is not large enough to take on all of the coroner's work for Marin or other counties.

The search for a morgue

Marin County has long been aware of the need for a central forensics facility that would house the coroner's staff and offices and a secure morgue, including an operating theater, equipment and ample refrigerated space for storage of bodies.

Years ago, the county considered a central forensics facility in the basement of the Marin Civic Center in San Rafael. The cost was deemed prohibitive at that time and the space has since been taken over by computer equipment. Later, the county considered the offer of a San Rafael mortuary to build a forensics facility and morgue on its grounds and lease it to the county at nominal rent. The plan was withdrawn in the face of neighborhood opposition. There was and continues to be interest in using Civic Center space to be vacated by the sheriff's office upon completion of a new security building. However, an architectural study showed that the county would have to dig into the adjacent hillside to make the space large enough and the cost would be at least \$7 million. That proposal has been shelved.

Today, the county is considering at least five possible locations, four of them in existing buildings that could be remodeled and leased long-term and one in soon-to-be vacated county space behind Marin General Hospital. None of the properties under consideration is near a residential area. If one of these buildings were to be chosen, the county would need a feasibility study to determine if the building is functionally capable of housing a morgue and the coroner's offices. County officials say the feasibility study would cost between \$20,000 and \$50,000, and remodeling and equipping the facility would cost between \$1.5 and \$2 million. By contrast, they say a stand-alone, state-of-the-art morgue would cost \$11.5 million to build.

Earlier, the county earmarked \$1.75 million in its capital budget for a Marin County Morgue. This amount is insufficient to build a new morgue, but county officials believe it is enough to renovate and equip about 8,000 square feet of space in an existing building for a morgue, storage area and staff offices.

Marin County needs a central forensics facility

Establishment of an up-to-date forensics facility and morgue is long overdue in Marin. Establishment of such a facility has been on the county's drawing board for a decade but has been hampered by lack of funds and other priorities.

The problem today is more acute. The number of mortuaries that permit coroner autopsies has declined. Those facilities that are available are cramped and inadequate. Security at the mortuaries is minimal, and this hampers police investigations of suspicious deaths. The lack of forensic ventilation systems presents health hazards for county personnel required to take part in autopsies. The safeguarding of victim jewelry and other valuables is a recurring problem.

The Grand Jury recognizes the fiscal crisis facing Marin and the rest of California. But our investigation confirms that appropriate space for a forensics facility can be acquired, renovated and equipped for about \$1.75 million in capital expenditures long set aside for this purpose. The struggling economy could be an advantage for the county in negotiating a long-term lease. One estimate of an annual lease would be about \$130,000. This would be partially offset by the value of space in the Marin Civic Center now used by the coroner's staff, which would be made available for other purposes. Additionally, a

new forensics facility and morgue would immediately reduce the coroner's operating expenditures by up to \$70,000 a year, money now spent to use the facilities of local mortuaries and the Napa Morgue. Additional savings are likely from reducing the costs of transportation and police security arrangements. It is likely that the county would have increased revenue from fees of \$20,000 or more annually from the Tissue Bank and from other counties that might make use of a Marin County morgue.

More importantly, a local morgue in Marin will mean faster and more efficient service for police in conducting investigations of accidents and suspicious deaths, and it will mean a cleaner and safer work environment for coroner personnel. Twenty-six of California's 58 counties have their own morgue. It is past time for Marin County to have the same.

Should the sheriff and coroner offices be consolidated?

Of California's 58 counties, 47 provide for the sheriff to assume the duties of the coroner. Most of the counties with a separate coroner's office are substantially larger than Marin. The Grand Jury investigated whether combining the Marin Coroner's Office with the sheriff's department would garner significant savings without loss of service to the community.

Those we interviewed confirmed that Marin County has considered combining the coroner's office with the Marin County Sheriff's Department. One official estimated that the county could save \$400,000 or more annually by doing so. That official estimated that the savings would come by reducing overtime costs for investigators and by assigning most of the coroner's work to sheriff's supervisors and deputies after they have received coroner training.

The Grand Jury's investigation does not support the estimate of savings of \$400,000 or more. Indeed, the record suggests that savings could be considerably less than that, and one official stated that costs could actually exceed amounts now budgeted to the coroner's office. This is because about 70 percent of the coroner's budget is devoted to payroll, and the pay of sheriff's personnel generally is greater than that of coroner personnel. Based on county records for the most recent two years, the three highest-paid deputy sheriffs earned an average of \$141,537 per year, including overtime, compared to the average for the three coroner investigators of \$105,205, including overtime. Base pay for these deputy sheriffs in 2008 averaged \$89,821, compared to the average 2008 base pay of the coroner investigators of \$77,385. A sheriff's lieutenant assigned to head up the morgue would have a salary of approximately \$134,640 (average of two highest-paid lieutenants), compared with the coroner's 2008 salary of \$130,873. If, as in Napa County, a sheriff's sergeant were assigned to day-to-day morgue duty, his or her pay would be about \$152,676, including overtime, based on the two highest-paid sergeants in 2008. This compares to the salary of the assistant coroner, which in 2008 was \$109,390. Additionally, Napa County's experience was that a 5 percent incentive pay increase was necessary to encourage sheriff's personnel to assume coroner investigative duties.

Some officials we interviewed believe that the quality of the coroner's work would decline in a combined operation, primarily because of the specialized function of the coroner's office. The coroner's staff is adept at death investigation and family counseling, specialties not always found among law enforcement personnel. One official commented: "Deputies enter law enforcement to catch bad guys, not to deal with dead bodies." In the combined operation in Napa County, coroner training is not extensive, and the position does not attract candidates with experience in medical fields. In Marin, investigators have medical as well as law enforcement experience and tend to look at their work as long-term, full-time careers. They are experienced in grief counseling and work closely with the families of the deceased. Each year, the office receives 40 to 50 Christmas cards from grateful families.

The question of whether to have the sheriff's department absorb the work of the coroner's office may arise this year. The coroner is an elected officer. Election of the coroner is not constitutionally mandated and the coroner's duties could be combined with those of the sheriff by ordinance adopted by the Board of Supervisors in 2009, effective at the end of the coroner's current term in 2010. The Grand Jury recommends that the sheriff's and coroner's offices not be consolidated.

FINDINGS

The Grand Jury finds that:

- F1.** Because the county lacks a central forensics facility and morgue, the coroner is compelled to do required autopsies at three local mortuaries.
- F2.** None of the local mortuaries has a clean or properly equipped facility suitable for conducting autopsies. The mortuary space available for coroner work is cramped and lacks proper ventilation, lighting, storage and security appropriate for required autopsies.
- F3.** Because of the lack of a morgue, police investigations are hampered and autopsy personnel encounter unnecessary risk to their health.
- F4.** Marin County has earmarked \$1.75 million for a forensics facility and morgue, and this amount would be sufficient to renovate and equip space rented for that purpose in an existing building.
- F5.** Consolidating the coroner's office with the sheriff's department at this time would not result in significant savings and could adversely affect coroner service.

RECOMMENDATIONS

The Grand Jury recommends that:

R1. Marin County establish a modern central forensics facility, office space and morgue for the required services of the Marin County Coroner.

R2. Marin County not consolidate the sheriff's and coroner's offices.

REQUEST FOR RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses from the following governing body:

- The Board of Supervisors to Findings 1 through 5 and Recommendations 1 and 2.

From the following individuals:

- The Marin County Administrator to Findings 4 and 5 and to Recommendations 1 and 2.
- The Marin County Coroner to Findings 1 through 5 and Recommendations 1 and 2.
- The Marin County Sheriff to Finding 5 and Recommendation 2.

The governing body indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code Section 933 (c) and subject to the notice, agenda and open meeting requirements of the Ralph M. Brown Act.

California Penal Code Section 933 (c) states that "...the governing body of the public agency shall comment to the presiding judge on the findings and recommendations pertaining to matters under the control of the governing body." Further, the Ralph M. Brown Act requires that any action of a public entity governing board occur only at a noticed and agendized public meeting.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person, or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Civil Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.
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