

THE MONTEREY COUNTY CORONER'S OFFICE: A MATTER OF LIFE AND DEATH



SUMMARY

The Monterey County Coroner's Office (CO) is a division of the Monterey County Sheriff's Office (MCSO). The elected Monterey County Sheriff also serves as the County's Coroner. The CO's responsibility is to determine the cause, manner, and circumstances surrounding reportable deaths. The Monterey County Civil Grand Jury (CGJ) has identified several findings and has made multiple recommendations intended to further enhance the CO's efficiency and responsiveness to the community.

These include addressing delays in the autopsy completion timeline, the lack of sufficient availability of forensic pathologists, staffing challenges, recusal policy, and training.

The CGJ recognizes the hard work, dedication, and commitment of the CO's staff. Current leadership in the Sheriff's Office represents opportunities for increased accountability, efficiency, and transparency.

BACKGROUND

California is one of only three states allowing its counties to combine the offices of Coroner and Sheriff. Of the 58 counties in California, 48 have done so, including Monterey County.

The Sherriff-Coroner is an elected position currently serving a six-year term due to a change in State law. A new Monterey County Sheriff-Coroner was sworn in on December 30, 2022.

The Sheriff-Coroner's Office in Monterey County is mandated by California Government Code section 27491 to investigate and determine the manner and cause of death of all sudden, violent, unusual, and unattended deaths. The process begins with notification to the CO that a death has occurred. Coroner's Detectives respond to death scenes 24-hours a day, seven days a week. The CO detective takes charge of the death scene and the body of the deceased, safeguards any personal property, locates and notifies the next of kin, and ultimately creates and signs the preliminary death certificate. The expectation of the CO is to issue a preliminary death certificate within a week of receiving the body.

Not all deaths are reportable to the coroner. Reportable deaths are defined by California Government Code section 27491 and Health and Safety Code section 102850 indicating which deaths must be investigated and which require an autopsy. An autopsy is required for deaths in the following circumstances:

- without medical attendance
- during the continued absence of the attending physician and surgeon

- where the attending physician and surgeon or the physician assistant is unable to state the cause of death
- where suicide is suspected
- following an injury or an accident
- under circumstances as to afford a reasonable ground to suspect that the death was caused by the criminal act of another

Both the Forensic Autopsy Technician/transcriptionist (FAT) and the Forensic Pathologist (FP) play critical roles in prompt autopsy report completion.

The CO handled over 1,500 cases, including 475 autopsies, in 2021, compared to 1,086 cases and 423 autopsies in 2022.

METHODOLOGY

During the investigation, the CGJ reviewed CO internal documents, personnel roles and responsibilities, operations and procedures, policies and procedures of the MCSO, and the forensic pathologist contract. The CGJ also conducted a site visit.

The CGJ also reviewed California state law, statewide grand jury reports, and interviewed individuals familiar with the operations of the CO.

DISCUSSION

The CGJ was made aware of general complaints that autopsy reports may be taking over six months to complete. Issues contributing to the delay include:

- an inefficient dictation and transcription process
- insufficient staffing
- staff training deficits in transcription
- the part-time status of the County's only contracted Forensic Pathologist (FP)
- the FP's final review process of transcriptions
- CO non-enforcement of the timeliness of autopsy reports provision in the FP contract.

Forensic Pathologist



A FP is a physician who has expertise in determining cause and manner of death combined with specialty training to perform autopsies. The current service contract is for a board-certified FP and went into effect on February 27, 2018. It has been amended and extended to June 30, 2023. Autopsy services in Monterey County are typically provided on Mondays, Wednesdays, and Fridays. The FP works in other counties on other days. The CO does not have a contingency plan for FP replacement or recruitment of more support.

National forensic science organizations recommend an autopsy caseload of no more than 250 autopsies per year for each FP. The CGJ notes that in 2022, 423 autopsies were performed by the FP. The Sheriff and the County of Monterey may find these national benchmarks helpful in assessing adequate staffing of the FP role.

Recruitment difficulties for this position are not limited to Monterey County and are being experienced throughout the United States. The National Association of Medical Examiners (NAME) estimated in 2015 that there are only about 500-600 board-certified forensic pathologists in the United States and that there is a need for double that number.

The CGJ discovered that a contractual obligation to complete written reports within 60 days postmortem for non-homicide cases and within 90 days postmortem for homicide

cases is included in the FP contract with Monterey County. The staff are aware that these obligations are not being met; however, due to lack of options for alternate or added FP coverage, they do not enforce these contractual terms.

Forensic Autopsy Technicians



An autopsy report is generated by the FP dictating the autopsy findings as the autopsy is being performed. Currently the FP uses a dictation system. The FAT then listens to the recording and transcribes the autopsy report. The report is returned to the FP, who reviews for accuracy, and updates and edits the report based on added clinical data from medical tests or evidence that has been received. A trial of voice recognition software to auto transcribe the FP dictation was unsuccessful. As technology advances, a review of updated

dictation/transcription modalities for the CO may provide new options to enhance efficiency and timeliness of report completion.

In November 2021, the CO reclassified the permanent transcriptionist position to a permanent FAT and added transcription to the FAT duties. FAT duties also include aiding the FP with autopsies, obtaining medical records and x-rays, collecting medical specimens, cleaning and maintenance of the autopsy premises, transcribing autopsy reports, and keeping records of the human remains in temporary custody at the county morgue.

The CO currently hires FATs without transcription experience and does not provide transcription training, which negatively affects its ability to get timely transcription completed. Additionally, because the budget does not have any open, permanent, full-time FAT or transcriptionist positions, the CO relies on temporary employees to fill these essential positions. Temporary positions do not provide benefits. Utilizing temporary

staff for essential office operations may inhibit the ability of the CO to recruit the experience and continuity needed to support the prompt completion of autopsy reports and other required office functions.

To address a backlog of transcriptions, reports were being completed by the FATs, working overtime and weekends. Because temporary employees are not to be assigned overtime work, most of the backlog was completed by one staff FAT. The approved labor budget has not been shared with those responsible for approving overtime, which creates a departmental disconnect on effectively managing labor costs.

Recusal Policy

On occasion, an autopsy will be sent to another coroner's office outside of Monterey County, such as a death in the Monterey County Jail. The CGJ found that this decision is made case-by-case and no written policy exists to memorialize this decision or ensure there is no conflict of interest.

Training

CO detectives are not required to complete death investigation training for a coroner assignment. However, they are encouraged to take part in a CO training program at the California Coroner Training Center in Orange County. While this training was reported as an important cornerstone to CO detective education, the CGJ did not find written confirmation that formal coroner detective training is a requirement of the CO detective orientation.

The CO FAT unpaid internship program was put on hiatus during Covid-19 and is set to begin again in March 2023. Interns are typically students wishing to expand their experience and knowledge with human anatomy and medical science. The internship period is six months minimum and one-year maximum. Turnover is expected due to the program's premise and intent of participants. However, for interns interested in forensic science, participation in this program can create an employment pipeline for the CO.

Contracting

Lastly, MCSO has its own contracting agent, who creates service and supply contracts for the MCSO and CO. This position works independent of the County Purchasing Department and in a different computer system. Researching the County's Purchasing System may help the MCSO contracting agent find and access previously approved county service vendors, such as medical transcriptionists, voice recognition systems, and medical supplies.

FINDINGS

- F1. MCSO has no written recusal policy or procedure for when autopsies are to be sent out of the County, which could bring into question the integrity of the findings of an investigation or autopsy.
- F2. The CO's current dictation and transcription process is inefficient, contributing to the final autopsy report delay.
- F3. The lack of medical transcription training contributes to a delay in completing final autopsy reports.
- F4. CO detective investigative training is not a written requirement nor is there a timeline for completion despite its importance in ensuring investigations are conducted thoroughly and consistent with statewide standards.
- F5. The CO relies on hiring temporary employees to fill full-time permanent positions, which could affect their ability to keep trained personnel on staff and may negatively affect the consistency of operations.
- F6. The MCSO has not enforced the provisions in the FP's contract requiring the prompt completion of autopsy reports, which could cause added, unnecessary distress to the families of the deceased.
- F7. Collaborative purchasing arrangements between the MCSO and other County departments have not been explored where service needs are the same or similar.
- F8. Approved budgets and balances are not directly shared with individuals who control departmental expenditures, resulting in a lack of accountability and ownership.

- F9. The CGJ acknowledges and appreciates the Coroner's Office staff for their ongoing commitment and service to the community.

RECOMMENDATIONS

- R1. Create and adopt written policy and procedures when the MCSO, or its staff, will recuse itself from an investigation by September 30, 2023.
- R2. Evaluate technological options to ensure dictation and transcription processes are efficient and timely by March 31, 2024.
- R3. Provide ongoing resources for staff training and continuing education on transcription and emerging technologies in forensic science by March 31, 2024.
- R4. Ensure that death investigation training for each new detective assigned to the CO is mandatory and completed as soon as possible during their orientation by August 31, 2023.
- R5. Evaluate staffing needs and create permanent positions accordingly to minimize reliance on temporary staff by March 31, 2024.
- R6. Evaluate the necessary forensic pathologist services needed by Monterey County and identify the best approach for meeting those needs by January 31, 2024.
- R7. Monitor and enforce performance measures that are stipulated in the FP contract by December 31, 2023.
- R8. Explore optimizing existing or new contractual relationships with County Purchasing and other County of Monterey departments in areas where service or supply needs overlap by December 31, 2023.

REQUEST FOR RESPONSES

REQUIRED RESPONSES

Pursuant to Penal Code (Sect) 933 and 933.05, the Civil Grand Jury requests required responses:

From the following elected official within 60 days:

- Monterey County Sheriff
Findings: F1-9
Recommendations: R1-8

From the following governing body within 90 days:

- Monterey County Board of Supervisors
Findings: F1-9
Recommendations: R1-8

Reports issued by the 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 Grand Jury.

GLOSSARY

CGJ Civil Grand Jury

CO CORONER'S OFFICE

FAT Forensic Autopsy Technicians

FP Forensic Pathologist

Postmortem is an examination of a dead body to determine the cause of death

MCSO Sheriff's Office

BIBLIOGRAPHY

CA Health and Safety Code Section 102850-102870

https://california.public.law/codes/ca_health_and_safety_code_section_102850

CA Government Code Section 27491

<https://codes.findlaw.com/ca/government-code/gov-sect-27491-4/>

CA Health & Safety Code, Article 3. Responsibility of Coroner

https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=102.&title=&part=1.&chapter=6.&article=3.

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https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=102.&title=&part=1.&chapter=6.&article=3.

Report to Congress Needs Assessment of Forensic Laboratories and Medical Examiner/Coroner Offices, National Institute of Justice 2017-2018, pg. 76.

Monterey County Sheriff's Department website

<https://montereysheriff.org/>

Orange County Sheriff's Department website

<https://www.ocsheriff.gov/>

Note: All photographs in this report were taken by CGJ members during a site visit to the CO.