

## AGENCY'S RESPONSE PROCEDURE

### RESPONSE TO GRAND JURY REPORT

The governance of responses to the Grand Jury Final Report is contained in Penal Code §933 and §933.05. Responses must be submitted within 60 or 90 days. Elected officials must respond within sixty (60) days, governing bodies (for example, the Board of Supervisors) must respond within ninety (90) days. Please submit all responses in writing and digital format to the Presiding Judge and the Grand Jury Foreperson.

Report Title: Yolo County Coroner's Division Report Date: 6/30/2014

Response by: Gina Moya Title: Chief Deputy Coroner

#### FINDINGS

I (we) agree with the findings numbered:

F1, F2, F3, F4, F5, F6, F7

I (we) disagree wholly or partially with the findings numbered:

#### RECOMMENDATIONS

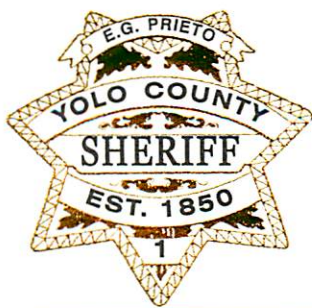
Recommendations numbered: R1, R2, R3, R5, R6  
have been implemented (attach a summary describing the implemented actions).

Recommendations numbered: R4  
require further analysis (attach an explanation of the analysis or study, and the time frame for the matter to be prepared by the officer or director of the agency or department being investigated or reviewed; including the governing body where applicable. The time frame shall not exceed six (6) months from the date of the Grand Jury Report).

Recommendations numbered: \_\_\_\_\_  
will not be implemented because they are not warranted and/or are not reasonable (attach an explanation).

Date: 6/30/2014 Signed: \_\_\_\_\_

Total number of pages attached 4



# OFFICE OF THE SHERIFF YOLO COUNTY

2500 East Gibson Road, Woodland, CA 95776

(530) 668-5280

Fax (530) 668-5238

(916) 375-6493

**E. G. Prieto**  
**Sheriff ~ Coroner**

**Tom A. Lopez**  
Undersheriff

**Administration**  
(530) 668-5280  
Finance  
Personnel  
Planning & Research

**Coroner's Section**  
(530) 668-5292

**Field Operations**  
(530) 668-5280  
Civil  
Community Resources  
Crime Prevention  
Department Training  
Investigations  
Marine Patrol  
Patrol  
Search & Rescue  
Aero Squadron  
Cadets  
Posse Reserves  
STARS

**Animal Services**  
(530) 668-5287

**Leinberger**  
**Detention**  
(530) 668-5254  
Corrections  
Inmate Work Programs

**Monroe Detention**  
(530) 668-5245  
Corrections  
Court Services  
Foods Services  
Records  
Transportation

**Cameron Training**  
**Facility**  
(530) 668-5206  
Commissary  
Inmate Education  
Inmate Programs  
Inmate Training

## MEMORANDUM

**TO:** THE HONORABLE JUDGE DANIEL P. MAGUIRE  
PRESIDING JUDGE OF THE SUPERIOR COURT

**FROM:** E. G. PRIETO, SHERIFF-CORONER

**DATE:** JUNE 30, 2014

**SUBJECT:** RESPONSE TO THE 2013-2014 GRAND JURY REPORT

### BACKGROUND:

Members of the Yolo County Grand Jury reviewed the operation and management of the Yolo County Coroner's Division.

### FINDINGS:

- F1.** Yolo County Coroner's Division operates in an efficient and professional manner. It is staffed with well-trained professionals who communicate and collaborate successfully with other organizations and law enforcement agencies regarding death investigations.
- F2.** The Policies and Procedure Manual for the Coroner's Division is complete and comprehensive but is not reviewed regularly for updates and revisions.
- F3.** The Coroner's Division has developed a successful intern program that assists the Division in meeting its staffing needs while providing an excellent learning opportunity for interns.
- F4.** The Agreement for Provision of Forensic Pathology Services No. 13-115, recently approved by the Board of Supervisors, does not set forth clear compliance measures that can be used to monitor the FMG sole source contract as required by Yolo County Contracting and Purchasing Policies. For example, the requirements that autopsies be performed "as soon as possible" and that forensic pathology services

*"Service Without Limitations"*

be performed “in a manner satisfactory to the Sheriff or his designee” are too vague to be enforceable.

- F5. Recently the performance of FMG has been inconsistent in the timely completion of autopsies and autopsy reports. There is an unacceptable backlog in autopsy reports from FMG.
- F6. In some instances, the Coroner’s Division has authorized payment to FMG for autopsy services which, according to the contract, include both autopsy and report, before the autopsy report has been received.
- F7. Yolo County does not require as part of its contract with FMG, nor does it independently verify, the medical licensing or board certification of FMG physicians who perform autopsies in Yolo County.

**RECOMMENDATION:**

- R1 The Coroner’s Division should require annual review of its Policies and Procedures Manual.

**SHERIFF-CORONER’S RESPONSE:**

- R1 This recommendation has been implemented. Policies and procedures will be examined yearly and all Deputy Coroners are encouraged to submit requests for changes or updates via the chain of command.

**RECOMMENDATION:**

- R2 The Agreement for Provision of Forensic Pathology Services should be amended to include clear measures to be used by the Coroner’s Division to monitor the FMG sole source contract and a requirement that FMG physicians who perform autopsies for Yolo County provide proof of licensing and board certification in forensic pathology or another similar specialty.

**SHERIFF-CORONER’S RESPONSE:**

- R2 This recommendation is being implemented. The monitoring of the contract to ensure FMG keeps within the industry standards is currently in progress. There is no county requirement for forensic board certification. We are currently working with FMG to obtain the proper licensing and board certification documents which will remain on file with the contract. We expect this to be complete by October 1, 2014.

**RECOMMENDATION:**

**R3** Coroner's Division should require FMG to take immediate measures to clear the backlog of autopsy reports.

**SHERIFF-CORONER'S RESPONSE:**

**R3** This recommendation has been implemented. The reason for the backlog stemmed from staffing shortages. FMG was initially not in compliance, however, now they are now in compliance with the industry standards of 90% of reports finalized within 90 calendar days. This will continue to be monitored.

**RECOMMENDATION:**

**R4** Coroner's Division should withhold payment for autopsy services until autopsy reports are received.

**SHERIFF-CORONER'S RESPONSE:**

**R4** This recommendation requires further analysis. The County Counsel and the County Administrator are currently working in conjunction with the Coroner's Division to resolve this issue with FMG. Alternative payment arrangements are being discussed as a possible resolution in the event 90% of the reports are not within the industry standard of 90 calendar days.

**RECOMMENDATION:**

**R5** Because the expertise and professional competence of FMG's physicians are central to the ability of the Coroner's division to perform its mandated duties, the County should require FMG physicians who perform autopsies for Yolo County to present proof of medical licensing and board certification in forensic pathology or another specialty acceptable to the County.

**SHERIFF-CORONER'S RESPONSE:**

**R5** The Agreement for Provision of Forensic Pathology Services should be amended to include clear measures to be used by the Coroner's Division to monitor the FMG sole source contract and a requirement that FMG physicians who perform autopsies for Yolo County provide proof of licensing and board certification in forensic pathology or another similar specialty.

**RECOMMENDATION:**

**R6** In 2015, if the Coroner's Division decides to contract for autopsy services using a sole source, the sole source justification must include, but not be limited to, the following:

- Performance standards for completion of autopsies and autopsy reports;
- Documentation supporting the board certification of staff performing autopsies;
- Cost analysis of alternative contract sources and provision of in-house services.

**SHERIFF-CORONER'S RESPONSE:**

**R6** This recommendation has been implemented. The industry standards for completion of autopsies and autopsy reports will follow those of industry standards. Documentation supporting board certification of staff providing the autopsies will be requested from the contractor. A sole source analysis in regards to the FMG contract was conducted in May of 2013, and as standard practice, will be conducted again prior to the renewal of any contract in 2015.

Please do not hesitate to contact me if you have any questions.

Sincerely,



E.G. PRIETO  
SHERIFF-CORONER

EGP:ea

# YOLO COUNTY CORONERS' DIVISION

## SUMMARY

The Yolo County Grand Jury reviewed the Yolo County Sheriff's Office – Coroner's Division. The Coroner's Division is mandated by the California Government Code to determine the cause and manner of death in specified cases, including violent, sudden or unusual deaths.

Through interviews and document review, the Grand Jury found that the Coroner's Division management and staff provide a competent and highly efficient level of service to the public. They have developed positive and collaborative working relationships with other organizations and law enforcement agencies with which they interact in the course of their investigations.

The Coroner's Division contracts with Forensic Medical Group (FMG) to perform autopsies in Yolo County. The Grand Jury found:

- Yolo County has had a sole source contract with FMG since 1997;
- Yolo County relies on FMG's representation that its physicians are licensed and competent to perform autopsies. The County does not require proof of licensing or board certification in forensic pathology;
- While the Coroner's Division expressed overall satisfaction with the services of FMG, currently, there is an unacceptable backlog in autopsy reports;
- In some cases, Yolo County has paid FMG when billed for autopsy services even though all services (both autopsy and report) have not been provided by FMG.

## ACRONYMS

**AMR:** American Medical Response – an Ambulance company providing emergency services in Yolo County.

**POST:** Peace Officer Standards and Training – provides training statewide to law enforcement personnel.

**FMG:** Forensic Medical Group – a group of physicians that contracts with Yolo County to perform forensic pathology services, including autopsies.

**DNA:** Deoxyribonucleic acid

## BACKGROUND

The Yolo County Grand Jury investigates the functions of city and county governments, tax supported agencies and districts, and any agencies or districts created by State law, within Yolo County. State law mandates certain functions of the Grand Jury, but the jury itself selects additional areas that it wishes to study. This year, the Grand Jury decided to review the operation and management of the Yolo County Coroner's Division.

California Penal Code Section 925 provides, "The Grand Jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant of state law for which the officers of the county are serving in their ex-officio capacity as officers of the districts."

## **METHODOLOGY**

The Grand Jury conducted a tour of the Coroner's Office, including the County's morgue, and interviewed representatives of the Yolo County Coroner's Division, Yolo County Sheriff's Department, American Medical Response, Capay Valley Fire Department, Davis Police and Fire Departments, Kraft Funeral Home, Woodland Healthcare and Woodland Police Department.

In addition, the Grand Jury reviewed:

- Job descriptions for staff of Coroner's Division;
- Training requirements and staffing levels for Coroner's Division;
- Yolo County Coroner Policies and Procedures Manual;
- Medical Waste Inspection Report, 2012 and 2013;
- Contracts for forensic pathology services between Forensic Medical Group and Yolo County, 2011 through 2015;
- Documents presented to Yolo County Board of Supervisors relating to FMG contract, July 16 and August 6, 2013;
- County of Yolo, Administrative Policies and Procedures Manual, Contracting and Purchasing, September 9, 2008.

## **DISCUSSION**

The duties of the Coroner are found in California Government Code Sections 27490-27512, 27460-27473 and 27520-27521. Specifically, the Coroner is required to determine the cause and manner of death in cases of violent, sudden or unusual deaths, unattended deaths, deaths where the deceased has not seen a physician in 20 days prior to death, deaths in prison and state mental hospitals. The Coroner's Office accomplishes this through scene investigation, record review, toxicological analysis, forensic pathology examination and autopsy. Other critical duties include:

- identifying decedent through fingerprints, dental records, DNA and other tests;
- locating the decedent's next of kin and notifying them of death;
- securing decedent's personal property;
- issuing the certificate of death;
- testifying in court.

The budget for the Coroner's Division for fiscal year 2013-14 is \$683,178. In calendar year 2012, 910 deaths were reported to the Coroner's Office, 79 of which required autopsies. As of October 30, 2013, 752 deaths had been reported with 72 deaths resulting in autopsies.

## **Organization and Staffing**

The Coroner's Office is a Division of the Yolo County Sheriff's Department. The Coroner's Division is staffed by a Chief Deputy Coroner and four Deputy Coroners. The staff is augmented by five paid interns who work between 10 and 25 hours per month. This staffing level provides coverage for the office seven days per week during business hours. After traditional business hours, Deputy Coroners are available "on call" on a rotating basis.

The Chief Deputy Coroner is a non-sworn supervisor responsible for organizing and directing daily activities of the Coroner's Division and supervising Deputy Coroners, interns and clerical staff. Deputy Coroners are sworn peace officers under Penal Code Section 830.35. Deputy Coroners conduct death investigations to determine cause and manner of death and supervise autopsies performed by Forensic Medical Group physicians.

Deputy Coroners receive required specialized training consisting of a course in Coroner's Death Investigation and fingerprint comparison and analysis through Peace Officer Standards and Training (POST). Additionally, Deputy Coroners receive on-the-job training to perform other critical procedures including:

- Initial Information Intake protocol;
- collection of evidence in death investigations;
- protocol for unidentified decedents;
- notification of next of kin;
- preparation of documentation for death investigations;
- release of decedents' remains and property;
- Critical Incident/Stress Management.

## **Internship Program**

The Coroner's Office offers a student internship program. The program originated in 1993 and offers upper division college students the opportunity to participate in an intensive, hands-on experience that spans multiple fields, such as chemistry, criminal justice, and psychology. Currently four student interns are working at the Coroner's Division and a fifth will be hired soon. Interns work between 10 and 25 hours per month and receive a monthly stipend. Interns assist Deputy Coroners with scene investigations, morgue/lab processing and follow-up investigation. The student interns also attend forensic autopsies/external examinations.

## **Facilities and Equipment**

The Grand Jury toured the Coroner's Division office, located in the Administration building of the Yolo County Sheriff's Office. The Coroner's facilities contained:

- central office
- morgue
- lab area
- two autopsy suites with a separate viewing room
- walk-in refrigerator



- ultra-low temperature deep freezer
- two evidence/property rooms
- x-ray machine (non-digital)

The building was state-of-the-art when built and is maintained in neat, orderly and sanitary fashion. The Grand Jury did not observe any problems or deficiencies with the facilities.

Each Deputy Coroner is provided with a cell phone in order to contact emergency personnel who first respond to a death scene. This allows the relay of information from fire and police agencies and other outside contract agencies to be accomplished quickly and efficiently.

The Coroner's Division uses four vehicles, all of which are more than 12 years old. The Coroner's Division is responsible for maintaining and fueling the vehicles.

The Coroner's Division is in the process of replacing an old computer software program with a new program specifically designed to maintain and track records and evidence in a coroner's investigation.

The x-ray machine is in working order. It is approximately 20 years old and requires processing of x-ray film. Many Coroner offices today use digital x-ray machines.

### **Policies and Procedures Manual**

The Coroner's Division has a comprehensive Policies and Procedures Manual that is a valuable resource for staff. Currently, the Chief Deputy Coroner is reviewing the Manual for needed updates. Past practice has been to review the Manual only after a change in procedure or law necessitated a revision.

### **Annual Waste Management Inspection**

The Department of Public Health's Medical Waste Management Program conducts an annual medical waste inspection at the Yolo County Coroner's Facility to determine compliance with the requirements of the Medical Waste Management Act (MWMA).

The Grand Jury reviewed the Annual Medical Waste Inspection records for 2012 and 2013. In 2012, one minor violation was found that was corrected on the day of the inspection. In 2013, no medical waste violations were found.

### **Relationships with Other Agencies**

When a death occurs in Yolo County, the Coroner's Division interacts with several agencies that may be "first responders" to the death scene. First responders include personnel from fire and police agencies and others who are responsible for responding immediately to the scene of an accident or crime. The Coroner Policies and Procedures Manual describes the protocol for Deputy Coroners, law enforcement and medical personnel to follow when a death occurs.

In order to gain an understanding as to whether the Coroner's Division interacts effectively and efficiently with other agencies, the Grand Jury interviewed personnel from American Medical Response (AMR), Capay Valley Fire Department, Davis Police and Fire Departments, Woodland Police Department, Kraft Funeral Home and Woodland Healthcare.

The Grand Jury learned that the Coroner's Division is highly regarded by agencies and organizations with which it interacts. Communication between agencies is prompt and effective. Deputy Coroners respond to death scenes in a timely fashion and perform their duties in a professional manner. Each agency reported a positive, collaborative relationship with members of the Coroner's Division.

### **Contracts with other Counties to Utilize Yolo County Facilities**

The Grand Jury learned that several small, rural counties contract with the Coroner's Division to use its facilities to conduct autopsies. In 2013, the Coroner's Division received \$27,520.00 in fees from other counties. These fees augment the Coroner's Division budget.

### **Contracts**

The Coroner's Division depends on contracted services in order to perform the full array of duties required in a death investigation. It contracts with North Medical Services and Valley Toxicology to perform laboratory testing of blood, urine and other bodily fluids. It contracts with the John Morris Removal Company to transport remains of the deceased to the morgue. It contracts with the Forensic Medical Group (FMG) to perform autopsies.

### **Forensic Medical Group Contract**

Forensic Medical Group consists of 5 physicians who provide forensic pathology (autopsy) services to several counties in California, including Yolo County. In 2010, the Coroner's Division learned from reporters researching a news story that an FMG physician who had performed many autopsies in Yolo County had a history of errors in performing autopsies. The Coroner's Division immediately barred this physician from performing autopsies in Yolo County. He was terminated from FMG shortly thereafter. At this same time, FMG and its physicians came under media scrutiny resulting in multiple news articles including *Forensic Medical Group Scrutinized; County to Review Autopsies by Doctor with Checkered Past*; *California Officials Reviewing Autopsies Done by Doctor with Trail of Errors*; and *Autopsy Firm's High Caseloads, Practices Lead to Errors*. Links to these articles can be found in the bibliography at the end of this report.

In view of this history, and because performance of autopsies is central to the duties of the Coroner's Division, the Grand Jury wanted to learn more about the contract between Yolo County and FMG. Specifically, the Grand Jury wished to learn:

- whether the County was satisfied with the forensic pathology services provided by FMG; and
- how the County verified the professional background and expertise of the FMG physicians performing autopsies in Yolo County.

### **History of FMG Contract with Yolo County**

FMG has been providing forensic pathology services to Yolo County since 1997. On August 6, 2013, the Yolo County Board of Supervisors approved another two-year contract with FMG for \$210,000. The contract with FMG was approved as a sole source contract. A sole source contract is a contract awarded without a competitive bid process. The competitive bid process was waived because it was determined that forensic pathology services are so specialized, and there are so few providers in northern California, it would not be feasible to obtain multiple bids for service.

When a department head presents a sole source contract for approval by the Board of Supervisors, County policy requires the department head to identify a person within the department responsible for monitoring the contract and to delineate what compliance measures have been established.<sup>1</sup>

### **Compliance Measures**

The contract states that FMG will provide forensic pathology services “..... in a manner satisfactory to the Sheriff or his designee...”<sup>2</sup> Neither the contract itself nor the supporting documents presented to the Board of Supervisors explain what specific measures are to be used to monitor whether services are performed in a satisfactory manner or how often services will be reviewed. The Grand Jury learned that the Coroner’s Division is generally satisfied with the services provided by FMG except in the area of timeliness of autopsy reports.

### **Timely Provision of Services**

The contract requires FMG to perform an autopsy as soon as possible after it receives notification of death. The Grand Jury learned that FMG generally will perform autopsies within 1-2 days of notification but, over the last several months, FMG has “bumped” or rescheduled autopsies in Yolo County due to demands from other counties that also contract with FMG for forensic pathology services.

The contract requires FMG to submit a written report of autopsy within 30 days after the autopsy examination is conducted. As of December 30, 2013, there were thirteen (13) cases where FMG had conducted an autopsy or external exam but the report had been pending for more than sixty (60) days. The Coroner’s Division cannot issue the death certificate to decedent’s families or to other law enforcement agencies until the autopsy report is received.

---

<sup>1</sup> Yolo County Administrative Policies and Procedures Manual, Contracting and Purchasing Policies, September 9 2008

<sup>2</sup> County Agreement for Provision of Forensic Pathology Services, Agreement No. 13-115, July 1, 2013

*The contract's Pricing Letter combines the autopsy examination and the report preparation into one charge for \$1,250. FMG bills the County for the entire \$1,250 within 30 days of performing the autopsy examination even where FMG has not yet produced a report. The Grand Jury learned that, as of December 30, 2013, in thirteen (13) instances, FMG billed, and Yolo County paid, the full \$1,250 charge for an autopsy and report even though the Coroner's Division had not received an autopsy report. The Coroner's Division has been working with the Finance Department in the Sheriff's Office to rectify this issue with FMG.*

### Expertise and Competency of Physicians

In this contract, FMG "warrants" to Yolo County that its physicians have the necessary training, experience, expertise and competency to provide forensic pathology services. When the Sheriff's Office presented the FMG sole source contract to the Board of Supervisors for approval, it represented, through documents, that FMG employed board certificated forensic pathologists. The contract itself does not require board certification in forensic pathology or any other specialty. The Grand Jury learned that the County does not verify whether any of FMG's physicians are licensed or board certified in forensic pathology.

### **FINDINGS**

- F1.** Yolo County Coroner's Division operates in an efficient and professional manner. It is staffed with well-trained professionals who communicate and collaborate successfully with other organizations and law enforcement agencies regarding death investigations.
- F2.** The Policies and Procedure Manual for the Coroner's Division is complete and comprehensive but is not reviewed regularly for updates and revisions.
- F3.** The Coroners' Division has developed a successful intern program that assists the Division in meeting its staffing needs while providing an excellent learning opportunity for interns.
- F4.** The Agreement for Provision of Forensic Pathology Services No. 13-115, recently approved by the Board of Supervisors, does not set forth clear compliance measures that can be used to monitor the FMG sole source contract as required by Yolo County Contracting and Purchasing Policies. For example, the requirements that autopsies be performed "as soon as possible" and that forensic pathology services be performed "in a manner satisfactory to the Sheriff or his designee" are too vague to be enforceable.
- F5.** Recently the performance of FMG has been inconsistent in the timely completion of autopsies and autopsy reports. There is an unacceptable backlog in autopsy reports from FMG.
- F6.** In some instances, the Coroner's Division has authorized payment to FMG for autopsy services which, according to the contract, include both autopsy and report, before the autopsy report has been received.

**F7.** Yolo County does not require as part of its contract with FMG, nor does it independently verify, the medical licensing or board certification of FMG physicians who perform autopsies in Yolo County.

## **RECOMMENDATIONS**

**R1.** The Coroners' Division should require annual review of its Policies and Procedures Manual.

**R2.** The Agreement for Provision of Forensic Pathology Services should be amended to include clear measures to be used by the Coroner's Division to monitor the FMG sole source contract and a requirement that FMG physicians who perform autopsies for Yolo County provide proof of licensing and board certification in forensic pathology or another similar specialty.

**R3.** Coroner's Division should require FMG to take immediate measures to clear the backlog of autopsy reports.

**R4.** Coroner's Division should withhold payment for autopsy services until autopsy reports are received.

**R5.** Because the expertise and professional competence of FMG's physicians are central to the ability of the Coroner's Division to perform its mandated duties, the County should require FMG physicians who perform autopsies for Yolo County to present proof of medical licensing and board certification in forensic pathology or another specialty acceptable to the County.

**R6.** In 2015, if the Coroner's Division decides to contract for autopsy services using a sole source, the sole source justification must include, but not be limited to, the following:

- Performance standards for completion of autopsies and autopsy reports;
- Documentation supporting the board certification of staff performing autopsies;
- Cost analysis of alternative contract sources and provision of in-house services.

## **REQUEST FOR RESPONSES**

Pursuant to the California Penal Code Sections 933 and 933.05, the Grand Jury requests responses as follows:

### **From the following individuals and departments:**

- Yolo County Sheriff-Coroner's Office: Recommendations R1, R2, R3, R4, R5 and R6
- County Administrative Officer: Recommendations R2, R5, and R6
- County Counsel: Recommendations R2, R5 and R6

**From the following governing bodies:**

- Yolo County Board of Supervisors: Recommendations R2, R5, and R6

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.

**BIBLIOGRAPHY**

*"Autopsy Firm's High Caseloads, Practices Lead to Errors"* Contra Costa Times, February 4, 2011 [http://www.contracostatimes.com/ci\\_17299240](http://www.contracostatimes.com/ci_17299240)

*"California Officials Reviewing Autopsies Done by Doctor with Trail of Errors"* February 25, 2011 <http://www.npr.org/blogs/thetwo-way/2011/02/25/134052039/california-officials-reviewing-autopsies-done-by-doctor-with-trail-of-errors>

*"County to Review Autopsies by Doctor with Checkered Past"*, February 10, 2011 <http://californiawatch.org/dailyreport/county-review-autopsies-doctor-checkered-past-8604>

*"Forensic Medical Group Scrutinized"* <http://www.sfgate.com/bayarea/article/Forensic-Medical-Group-scrutinized-2477344.php>