

CORONER/PUBLIC ADMINISTRATOR/PUBLIC GUARDIAN

BACKGROUND

The 1997-1998 Fresno County Grand Jury County Committee Chairman advised the 1998-1999 County Committee that there were issues to be investigated within the Fresno County Coroner's office. These issues began with the theft of property from the deceased by an employee of the contracted transport service. That person has since been convicted.

The investigation began with interviews with the law enforcement investigators on that case and included an announced visit to the Fresno County Coroner/Public Administrator/Public Guardian's Office and morgue and an unannounced visit on April 22, 1999. More than 20 witnesses were interviewed including present and former employees of the respective offices as well as other individuals with knowledge of past and present activities within these departments.

FINDINGS

The contracted transport service had free access to the entire morgue at night when bodies were delivered. Security measures were and are inadequate to safeguard decedents' valuables. The performance of the transport service and its employees is not monitored because services performed under this contract are performed by an independent contractor. While the county is forbidden, under terms of the contract, to directly supervise the service, the County retains the right to ascertain that legal and regulatory rules are adhered to.

The situation and conditions noted during the October 6, 1998 visit were:

The Coroner/Public Administrator/Public Guardian maintained a telephone line, a computer, and a microscope in his County office for which he paid personally to conduct his private pathology business. In addition to owning his private lab, he also holds positions as lab director at Sanger and Kingsburg hospitals. As required, he has reported these other positions to County Administration. He does not presently receive a salary for the positions with the hospitals. Laboratory slides that belonged to the Coroner's private pathology laboratory were picked up or delivered to the Coroner's Office on a daily basis. These slides were sometimes received or handled by County employees. Conservator accounts were invoiced for laboratory work done by the Coroner's private pathology lab. These amounts represent balances not paid to lab by insurance, Medicare or Medi-Cal. In addition, the Jury noted the following:

- Major deficiencies in building maintenance
- General cleanliness and sanitation inadequate
- Transcription of autopsy reports were not completed in a timely manner, some up to a year behind
- Chain of command unclear and is not adhered to according to the table of organization
- Lack of adequate security in facility
- Strained relationship with law enforcement
- The Coroner/Public Administrator/Public Guardian displayed a lack of knowledge on the general operation of the facility
- An employee policy and procedure manual was not available during the visit

The County Auditor-Controller's Office completed an audit on October 30, 1998. The first visit and the audit report led the County Committee to investigate other issues within the Coroner/Public Administrator/Public Guardian Department.

While it was permissible for the business manager of the Public Guardian/Public Administrator Department to have outside employment with a specific accounting firm on her off county hours; it was not appropriate for the business manager to direct the majority of tax work for the conservator accounts to that same accounting firm. A payment for \$20,000 was approved and made to this firm without the proper itemized supporting documentation available.

Present and former employees interviewed by the Grand Jury stated that training and procedures for deputy coroners and some other employees were not consistent. Some claimed they had not read a procedures manual. The Committee obtained a copy of the department manual from the Coroner/Public Administrator/Public Guardian Department. It was not dated and did not have any reference dates as to when, or if, revisions were made. Apparently, this manual was copied from some other source approximately one year ago and was not consistent with procedures followed in this department.

The Grand Jury heard testimony alleging that operational supply and maintenance requests were reportedly denied or ignored in order to exercise management control over the department's budget. Repeated instances of such budgetary control was viewed by various witnesses as contributing to morale problems and poor maintenance of the workplace.

On April 22, 1999, the Grand Jury made a second, unannounced, visit to the Coroner/Public Administrator/Public Guardian facility. Some changes had been made, but many of the previously noted conditions still existed. Working practices among the deputy coroners were not standard as set forth in the policy manual. The conspicuous absence of the Coroner in the morgue proper is evidenced by the deplorable, rundown physical condition of the facility, as well as inadequate supervision of staff. The following deplorable conditions were observed:

- Clutter everywhere including in closets and hallways
- Building is in disrepair, needs painting and repair of holes in walls
- Toilet seat missing
- Poor condition of employee dressing room
- Records strewn, scattered in alcoves and hallways, in no order and a potential fire hazard
- Loose tiles on floor
- Lack of organized storage of specimens, and numbered specimen bottles scattered in various locations
- Abundance of old equipment in disarray in hallways and closets
- Unsanitary conditions, bloody pillow and gloves on floor
- Dirty aprons and shoes and lack of laundry facilities.
- Valuables of a recently deceased person were seen in an open, unsecured area.

Facilities for warehousing and storage are not adequate. A large metal shed is used for storage of specimens and body parts. This shed is a partially open structure with a lock on the door, but is otherwise unsecured and lacking any type of climate control. There were leaking containers of unknown fluids, dirty equipment, old computers and furniture stacked randomly. There was also evidence of rodent infestation.

CONCLUSIONS

Training and procedures of transport employees are not monitored by the Coroner or his deputies because the independent contract agreement prohibits such monitoring. The Grand Jury believes the contract should provide for such monitoring.

The Coroner/Public Administer/Public Guardian has performed on county time and on County premises personal business for gain. County Management Directive 1511.1 states that personal telephone calls are to be kept to a minimum. The Coroner's personal business for gain has been conducted in his County office on County time and on County phones as well as on his private line. Though an elected official may not be required to spend a normal eight-hour day at his job during office hours, the Coroner has admitted that he has conducted his personal laboratory business in his County office. Since the Coroner holds three County positions simultaneously, including that of County Health Officer, it is reasonable to believe these would require his full time and attention.

Although it may be highly desirable for a County Coroner to hold a medical license and be specifically trained in pathology, California law does not require the person elected to the office of coroner to hold a medical degree. The Committee believes it is more important for the position of Coroner to be proficient in the art of management than in the art of medicine. The Fresno County Coroner has not personally performed autopsies in at least six years and very few in the past 20 years. The Coroner/Public Administrator/Public Guardian's private business has received payments from conservator accounts for laboratory work.

An issue regarding a potential violation of the Political Reform Act has arisen regarding the business manager of the Coroner/Public Administrator/Public Guardian Office. In order to provide tax services to the conservatees, she makes the decision to use an accounting firm with which she has had a business/employment history. She should discontinue this practice.

The Grand Jury began inquiring into the activities of the Coroner/Public Administrator/Public Guardian and his department in August 1998. The County Auditor's Limited Scope Review came to light on October 30, 1998. Since that time, the Coroner/Public Administrator/Public Guardian has taken action to make changes in his department to avoid the appearance of impropriety or conflict of interest. He has removed his private telephone and computer from his office and he has directed the office staff not to pay any invoices from his private laboratory. The locks in the morgue have been changed to deny transport employees access to other parts of the building.

RECOMMENDATIONS

The 1998-1999 Grand Jury makes the following recommendations:

4. The County should consider operating its own in-house body transport service, which would work directly out of the morgue under the Coroner's supervision and control. In the event the County fails to appropriate money to accomplish this effort, the existing contract service system must be re-examined and a more professional service approach be taken.
5. The Coroner/Public Administrator/Public Guardian refrain from conducting any private business for gain in the county facility or during hours that are charged to county departments.
5. The Coroner/Public Administrator/Public Guardian hires a transcriber familiar with medical terminology within the Coroner's office to produce autopsy reports in a timely manner.

7. The Coroner/Public Administrator/Public Guardian replaces the storage facilities for more orderly use and better maintenance.
8. The Coroner/Public Administrator/Public Guardian require that the Public Administrator/Public Guardian business manager not participate in the decisions for procurement of services from any outside vendor with whom she has had an employment relationship.
9. The Fresno County Board of Supervisors ensures that the morgue is properly maintained in a sanitary, orderly manner.
10. The Fresno County Board of Supervisors considers reorganizing the positions of Coroner/Public Administrator/Public Guardian and County Health Officer so that they are not all vested in, or controlled by one individual.