

2017-2018 GRAND JURY REPORT

Riverside County Sheriff's Department Corrections Division Coroner Office-Independent Autopsy Reviews for In-Custody Deaths

Background

A Coroner's Review (Review) is initiated when an in-custody death occurs. A Review is also held when a person dies at the hands of law enforcement, or in a situation with law enforcement involvement, or recent contact with law enforcement. This is a formal legal Review process used to establish the cause, manner, and mode of death. This Review can be waived on a case-by-case basis if the death was anticipated to occur from natural causes. Due to cases often involving ongoing criminal investigations, Coroner Reviews are closed to the public.

The Riverside County Sheriff's Department (RCSD) Coroner's Office serves Riverside County, which has approximately 2.4 million citizens as of 2017 (U.S. Census Bureau). The Sheriff-Coroner is an elected official. The Coroner's review presents results to the Sheriff by the Administrative Deputy Coroner, the Forensic Pathologist, and the Forensic Toxicologist with a summation of the results. In Riverside County, the Sheriff also serves as the Coroner. All reviewing staff report to the Sheriff which poses a possible conflict of interest.

Methodology

Informal Interviews:

RCSD sworn Supervisors and Managers

Documents Reviewed:

1. Riverside County Sheriff's Department (RCSD) Memorandum Coroner's Bureau April 6, 2018 – *Autopsies for In-Custody Deaths*
2. RCSD Coroner's Office Public Web Page
<http://www.riversidesheriff.org/coroner/>
3. *AGREEMENT FOR AUTOPSY SERVICES BETWEEN THE COUNTY OF SAN BERNARDINO AND THE COUNTY OF RIVERSIDE*, June 2, 2015
4. Board of Supervisors (BOS), County of Riverside, State of California, (Agenda item 3-57) recommending the adoption of the San Bernardino Agreement, June 18, 2015 (previous assigned reference: 11/2/10 3.39)

5. California Government Code §27490 et seq., Coroner authority to determine manner, mode and cause of death
6. California Justice Collaborative Newscast – May 4, 2018, *In California, critics say Sheriff-Coroner gig is a conflict of interest*
7. Senate Bill 1303 – Amending California Government Code §24000, §24009 and §24010: Coroner: County Office of the Medical Examiner

Findings

County Autopsy Agreement

1. The Riverside County Coroner's office has the authority under California Government Code §27490, *et seq.*, to investigate specific deaths in-custody and/or within its jurisdiction. The Review is completed in-house with no independent or neutral County Coroner's Office participation. However, toxicology testing is conducted by an independent private firm and is used to ensure an unbiased finding of toxicology results. Although the Riverside County Sheriff Coroner's Department is staffed with well-qualified, trained and professional personnel, there is the perception of a conflict of interest by the public.

No legal obligation currently exists requiring an autopsy be performed in an adjacent County whenever a person dies while in custody or in the presence of Law Enforcement. The Riverside Sheriff-Coroner's office had an agreement with Orange County from 1999-2005 to perform independent, neutral, in-custody death autopsies. The contract expired in 2005 and was not renewed.

San Bernardino County (SBC) has a current agreement with the RCSD to perform autopsies for SBC under similar circumstances. SBC acknowledges the benefit of public perception and trust, so in-custody death autopsies must be performed and reviewed by a neutral and un-involved party. This is reflected in the agreement signed by San Bernardino and Riverside counties.

Thirteen years have elapsed and no new adjacent county autopsy agreement has been negotiated with the Riverside Coroner's Office with acceptable terms.

The following reasons as annotated in the Riverside Sheriff's Department Memorandum – Coroner's Bureau dated April 16, 2018 were given for allowing the agreement with Orange County to expire in 2005:

- *Lack of availability and/or delay of forensic pathologists from the adjacent county to perform an autopsy*
- *Lack of availability and/or delay of scheduling forensic pathologists from adjacent county for Coroner Review presentations*
- *Extensive delays in receiving cause of death and/or autopsy protocols*
- *Fiscal impact of services (average cost per autopsy-\$5,000)*
- *Coroner Review presentations provided transparency via oversight of public representatives (Grand Jury)*
- *Adjacent County provided cause of death only, manner of death determination remained with Riverside County Coroner*
- *Riverside County Sheriff's Department in-custody investigations are performed by Riverside County Sheriff's employee, not outsourced*

Two areas listed above have misinterpretations which need addressing as follows:

A. The statement that the Grand Jury provides oversight as part of public representation is misleading. The Grand Jury is invited as a guest, but as lay people, Grand Jury members may not always understand the technical terms used. Coroner reviews only answer the questions of manner, mode and cause of death. There is no California law compelling the Grand Jury to attend a Coroner's review. The Grand Jury has no legal authority over any Coroners' reviews.

B. The Grand Jury is unaware of what transpires during the actual autopsy procedure and therefore the Grand Jury gets an abbreviated version of the autopsy, pathology and toxicology results presented at each Coroners' review. If the Grand Jury has a concern, or needs additional information after the Review, they may request a full Coroner's packet.

The italicized statement below was annotated on the form submitted to the Riverside County BOS by the County Executive Office recommending the adoption of the San Bernardino contract for independent county autopsies. The same principle is applicable for Riverside County to contract with an adjacent county to perform independent autopsies for in-custody deaths.

The use of an independent party to conduct autopsy service for officer involved shootings and in custody deaths is integral to remove any actual or perceived conflict of interest.[sic]

Recommendations

Riverside County Board of Supervisors Riverside County Sheriff – Coroner

County Autopsy Agreement

1. The RCSD Coroner, in conjunction with the Riverside County BOS, should initiate and negotiate an agreement with acceptable terms, with an adjacent County, to perform autopsies of in-custody deaths. In-custody deaths include those who die at the hands of law enforcement, in the presence of law enforcement, or those with recent contact with law enforcement. The integrity of the process should assure County citizens that Coroner's reviews are fair, unbiased, fostering a reputation of trust above reproach, and diminishing the perception of a conflict of interest.

Alternatively, consistent with California Government Code §27491.6, a Coroner's Inquest should be required in any circumstance when a person dies at the hands of law enforcement or in a situation with law enforcement involvement.

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