



**SHERIFF-CORONER DEPARTMENT  
COUNTY OF ORANGE  
CALIFORNIA**

**MICHAEL S. CARONA  
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DATE OF REPORT: 8/4/06

ASSISTANT SHERIFFS  
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KIM MARKUSON  
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August 4, 2006

The Honorable Judge Nancy Wieben Stock  
Presiding Judge  
700 Civic Center Drive West  
Santa Ana, CA 92702

Subject: Response to Grand Jury Report: "Safely Surrendered Unwanted Infants"

Dear Judge Wieben Stock:

Pursuant to California Penal Code §933 and § 933.05, I am submitting to you my response to the Grand Jury Findings and Recommendations contained in their subject report.

The Sheriff's Department appreciates the effort and the detail of review performed by the Grand Jury. Their continued efforts to improve the lives and conditions in the County of Orange are an outstanding example of volunteerism to the county and its residents.

If you have any questions regarding this report, please contact Assistant Sheriff Kim Markuson at (714) 647-1801.

Respectfully Submitted,

Michael S. Carona  
Sheriff - Coroner

**PROUDLY SERVING THE UNINCORPORATED AREAS OF ORANGE COUNTY AND THE FOLLOWING CITIES AND AGENCIES:**

ALISO VIEJO • DANA POINT • LAGUNA HILLS • LAGUNA NIGUEL • LAGUNA WOODS • LAKE FOREST • MISSION VIEJO  
RANCHO SANTA MARGARITA • SAN CLEMENTE • SAN JUAN CAPISTRANO • STANTON • VILLA PARK  
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**DRUG USE  
IS  
LIFE ABUSE**

# Safely Surrendered Unwanted Infants

## FINDINGS

In accordance with California Penal Code §933 and §933.05, responses are required to all findings. The 2005-2006 Orange County Grand Jury arrived at the following findings, which cite the Orange County Sheriff's Department (or Orange County "law enforcement"). Beneath each is the Sheriff's Department response to those findings.

**6.1 Additional drop-off sites:** *Communities outside of Orange County have elected to have both fire stations and law enforcement facilities participate as Safe surrender drop-off sites, thereby increasing the availability of places for infants to be rescued. In Orange County, fire stations but not law enforcement stations provide safe sites.*

The Sheriff-Coroner agrees in part with this finding, but notes that many jurisdictions are considering removing law enforcement as a drop-off site due to logistical and legal reasons. Specifically, the sites are not open to the public 24 hours a day, and legal mandates may preclude anonymity of the mother.

**6.5 Statistics:** *Lack of adequate statistical public information related to live and dead infant abandonment makes assessment of this problem challenging. The SSA has kept official records on live Safe Surrender infants for reporting data to the State. The Orange County Sheriff's Department/Coroner Division knows of no dead abandoned infants since 1999.*

The Sheriff-Coroner disagrees with this finding as it relates to the Coroner Division's statistic. The Coroner Division records indicate the last death of an infant who died as a result of being abandoned occurred in 1995.

**7.1 Increasing Safe Surrender sites:** *The SSA should work with Orange County law enforcement agencies to increase the number of safe drop-off sites by including many facilities to expand the Safe Surrender safety net. (See Finding 6.1.)*

The Sheriff-Coroner agrees in part with this recommendation, though cautions that adding too many sites could lead to confusion as to where to surrender an infant. New mother's considering Safe Surrender as an option should readily be able to identify hospitals or fire stations as drop-off sites, and not inadvertently leave a new-born at a closed governmental or civic building. Expanding drop-off sites to all 24 hour medical facilities may provide a viable expansion option.

The Sheriff-Coroner disagrees with the recommendation to use law enforcement facilities as drop-off sites. A police officer receiving an abandoned infant has legal mandates to act upon if the child appears injured, abused, or neglected. The Safe Surrender law allows for a safe alternative to abandonment, but does not relieve law enforcement of its duty to act or investigate crimes against children. This legal duty negates the benefit of using police stations as drop-off sites.

**7.6 Statistics:** *The SSA should set up official and public retrievable statistics on rescued Safe Surrender infants. The Chief Deputy Coroner should continue to act as the collection and reporting focal point for dead abandoned infants. (See Finding 6.5.)*

The Sheriff-Coroner agrees in part with this recommendation. Although the Coroner disagrees with the use of the ambiguous term “focal point,” the Coroner will, for all cases that fall within his jurisdiction, continue to document and maintain records that contain that information necessary to conduct a proper investigation and fulfill all legal mandates. Infants who die as a result of being abandoned fall under the Coroner’s jurisdiction pursuant to Government Code section 27491. The Coroner will continue to release all public information in a prompt manner.