



# County of Orange

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County Executive Office

August 29, 2018

Honorable Charles Margines  
Presiding Judge of the Superior Court of California  
700 Civic Center Drive West  
Santa Ana, CA 92701

Subject: Response to Grand Jury Report, "Competition or Collaboration – Orange County's Public Agency Helicopters"

Dear Judge Margines:

Per your request, and in accordance with Penal Code 933, please find the County of Orange response to the subject report as approved by the Board of Supervisors. The respondents are the Orange County Board of Supervisors and the County Executive Office.

If you have any questions, please contact Lilly Simmering of the County Executive Office at 714-834-6748.

Sincerely,

Frank Kim  
County Executive Officer

Enclosure

cc: FY 2017-18 Orange County Grand Jury Foreman  
Lilly Simmering, Deputy Chief Operating Officer, County Executive Office



## Responses to Findings and Recommendations 2017-18 Grand Jury Report:

### *“Competition or Collaboration: Orange County’s Public Agency Helicopters”*

#### **SUMMARY RESPONSE STATEMENT:**

On June 22, 2018, the Grand Jury released a report entitled: “Competition or Collaboration: Orange County’s Public Agency Helicopters.” This report directed responses to findings and recommendations to the Orange County Board of Supervisors (Board) and the Orange County Sheriff’s Department (OCSD). OCSD will be filing its response separately; below is the response from the Board.

#### **FINDINGS AND RESPONSES:**

**F.1. Operating fifteen public agency helicopters in a busy and compressed airspace necessitates close cooperation and communication.**

**Response:** **The respondent agrees with the finding.** The safety of Orange County residents and the millions of tourists the county draws each year is of utmost priority to the Board. Having a well-functioning Search and Rescue operation for the County’s most remote areas is critical; therefore, there is no doubt that there must be collaboration and coordination by the public agencies which provide that service. The Board emphasized this point at two board meetings (August 8, 2017 and January 23, 2018) and will continue to do so.

**F.2. While responding to search and rescue events, Orange County Sheriff’s Department and Orange County Fire Authority helicopters have flown too close to each other without adequate communication or coordination, which behavior could result in flight safety issues.**

**Response:** **The respondent agrees with the finding.** On December 5, 2017, just two months after the Canyon 2 Fire, the Board of Supervisors commissioned an independent investigation into the handling of emergency responses to the fire. On April 10, 2018, the Board received and filed the investigative report prepared by SD Consulting, Inc. in which the report named incidences where OCFA and OCSD helicopters have flown too closely due to inadequate communication or coordination.

**F.3. Some air crew members and management personnel of the Orange County Fire Authority and Orange County law enforcement air support units have expressed serious concerns regarding each other's flight safety and aerial rescue operations.**

**Response:** The respondent agrees with the finding.

**F.4. The Orange County Sheriff's Department has sufficient staffing, equipment, and training to implement the Board of Supervisor's resolution that the Sheriff should be the lead agency for remote/off-road search and rescue.**

**Response:** The respondent agrees with the finding.

**F.5. Orange County public agencies have substantially more helicopters per square mile than any county in southern California, which provides opportunity for further cost benefit analysis.**

**Response:** **The respondent agrees with the finding.** The Board agrees with the findings in the Grand Jury Report concerning the number of OCSD helicopters. The Board would welcome a cost benefit analysis to determine how best to allocate the resources if OCSD chooses to conduct one.

**F.6. Sheriff's helicopters and pilots with fire department paramedics onboard are used in many other California counties, including San Bernardino, San Diego, and Santa Barbara and have proven to be an effective combination.**

**Response:** **The respondent agrees with the finding.** The Board is aware that OCSD engages in a number of collaborative efforts with the sheriff's departments in those counties and that those relationships are strong and knowledge transfer occurs. However, the finding opines on best practices where the Board is not the subject matter expert; therefore, OCSD is best positioned to address the finding. Ultimately, the Board supports any practices that preserve or enhance the high standard of care the County's first responders implement in ensuring the safety of the general public.

**F.7. Orange County's public aviation units lack inter-agency coordination, inhibiting efficient and cost-effective resource utilization.**

**Response:** **The respondent partially disagrees with the finding.** On January 23, 2018, the Board heard from both OCSD and OCFA regarding helicopter rescue operations. During the meeting, it was clear that both agencies felt strongly about their positions, which had impacted interagency coordination. Since then, however, inter-agency coordination on public aviation between OCSD and OCFA has improved as evidenced by the new Air Search and Rescue operating plan that was entered into by both OCSD and OCFA and announced on August 15, 2018. Therefore, the Board disagrees partially with the finding.

**F.10. Orange County air support units could benefit from co-locating at Fullerton Airport where they can leverage existing facilities.**

**Response:** **The Board disagrees partially with the finding.** The Board understands the cost and performance effectiveness of co-locating operations; however, given the large geographical area of Orange County (948 square miles), the Board has not made a determination on whether Fullerton Airport is the best location for co-location. If OCSD and OCFA do decide to co-locate their air operations, the Board will look to both agencies for their recommendation on where to co-locate.

**F.11. Several nearby counties have gained efficiencies by successfully consolidating their sheriff's and fire agencies' air support units into one organization within each county.**

**Response:** **The Board will defer to OCSD's response.** The Board supports any solution that prioritizes the safety of the public and efficiency of work performance by public agencies.

#### **RECOMMENDATIONS AND RESPONSES:**

**R.1. By October 1, 2018, the Board of Supervisors, in coordination with the affected agencies, should consider forming and implementing an Orange County air operations safety council under the direction of the Board of Supervisors.**

**Response:** **The recommendation requires further analysis.** The Board supports any solution that prioritizes the safety of the public and efficiency of work performance by public agencies. However, this is a recommendation that requires the affected agencies to conduct an analysis to determine whether such a recommendation is warranted.

**R.2. By September 1, 2018, the Orange County Sheriff's Department should implement the Board of Supervisor's resolution identifying OCSD as the lead agency for wilderness, remote/off-road Search and Rescue and work with OCFA to establish procedures for communications while either party is providing assistance or backup.**

**Response:** **The recommendation has been implemented.** The Board has the authority under Government Code Section 26614 to authorize the Sheriff to search for and rescue persons who are lost or in danger of their lives within or in the immediate vicinity of the County. Section 26614 further provides that the authorization for and rescue activities shall be consistent with guidelines and operating plans contained in the Search and Rescue Model Operating Plan, as developed and adopted by the State of California's Office of Emergency Services (CalOES). If search and rescue activities are inconsistent with the model operating guidelines, the statute requires the Board to adopt a resolution to clarify why the local model provides better protection than the Search and Rescue Model Operating Plan to residents in need of search and rescue

services. The Board adopted Resolution No. 17-092 on August 8, 2017 authorizing OCSD to conduct search and rescue activities consistent with the CalOES Model Operating Plan. On August 15, 2018, OCSD and OCFA announced that both agencies have entered into an Air Search and Rescue operating plan that clearly defines each agencies roles and responsibilities in conducting air search and rescue operations.

**R.3. By September 1, 2018, Orange County Fire Authority management should develop and present its board with proposed procedures for how to work cooperatively with Orange County Sheriff's Department as OCSD implements the Board of Supervisors' resolution identifying OCSD as the lead agency for wilderness, remote/off-road Search and Rescue and work with OCSD to establish procedures for communications while either party is providing assistance or backup.**

**Response:** The recommendation has been implemented. On August 15, 2018, OCSD and OCFA announced that both agencies have entered into an Air Search and Rescue operating plan that clearly defines each agencies roles and responsibilities in conducting air search and rescue operations.

**R.4. By January 15, 2019, the Orange County Fire Authority in collaboration with the Orange County Sheriff's Department should identify and implement methods for its paramedics to operate jointly with the Orange County Sheriff's Department Air Support Unit in its search and rescue operations to the maximum extent practical.**

**Response:** This recommendation requires further analysis. On August 15, 2018, OCSD and OCFA announced that both agencies have entered into an Air Search and Rescue operating plan that clearly defines each agencies roles and responsibilities in conducting air search and rescue operations. The plan specifies that a goal of OCSD and OCFA within one year is to develop a Concept of Operations for firefighters and paramedics to be on OCSD helicopters for fire, search and rescue and emergency medical service missions.

**R.5. By December 15, 2018, the Orange County Sheriff's Department and the Orange County Fire Authority should evaluate potential costs and operational benefits of collocating their air units at the Fullerton Airport. The Orange County Sheriff's Department should plan on presenting this evaluation to the Board of Supervisors and publicly post. The Orange County Fire Authority should prepare and present this evaluation to their board and publicly post it.**

**Response:** The recommendation requires further analysis. The Board supports any solution that prioritizes the safety of the public and efficiency of work performance by public agencies. Therefore, the Board will defer to OCSD and OCFA on whether or not they choose to implement this recommendation. The Board presumes that in determining whether or not to implement the recommendation, OCFA and OCSD will need to conduct an analysis. If and when both agencies are ready to present the results of the evaluation to the Board, the Board will be available.

**R.6. By January 15, 2019, the Board of Supervisors, in coordination with the affected agencies, should consider a plan for a centralized approach to public agency air support including collocating and eventually consolidating the various Orange County city and county aerial support units.**

**Response:** **The recommendation requires further analysis.** OCSD and OCFA are the subject matter experts on air support; therefore, the Board will be available to discuss any public agency air support plan with both agencies when they are ready to present it to the Board. Ultimately, the Board supports any solution that prioritizes the safety of the public and efficiency of work performance by public agencies.