



City of Anaheim  
OFFICE OF THE CITY MANAGER

September 12, 2018

The Honorable Charles Margines  
Presiding Judge, Orange County Superior Court  
700 Civic Center Drive West  
Santa Ana, CA 92701

Subject: 2017-2018 Orange County Grand Jury Report, "Competition or  
Collaboration-Orange County's Public Agency Helicopters"

Honorable Judge Margines:

As the City Manager of the City of Anaheim, I am pleased to respond on behalf of the City to the 2017-2018 Orange County Grand Jury Report, "Competition or Collaboration-Orange County's Public Agency Helicopters." The responses contained in this letter were approved by the Anaheim City Council during regular session on September 11, 2018. The City's responses address the Orange County Grand Jury Report's findings and recommendations relevant to the report and are in accordance with California Penal Code Sections 933.05 (a) and (b).

FINDINGS

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

Response: The City of Anaheim agrees with this finding. The City also adds that although there are 15 public agency aircraft operated in the county, they are not all operating at the same time. Usually only one, sometimes two aircraft per agency are in operation at any given time. See Finding No. F3 regarding communication.

*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 City of Anaheim agrees with this finding. As stated in the Report, the Grand Jury's investigation came on the heels of a series of significant in-flight conflicts between OCSD and OCFA and as a fellow public safety aviation operator, Anaheim shares the concerns identified by the Grand Jury in their report. Historically, the Orange County law enforcement aviation community has enjoyed a healthy and mutually beneficial working relationship both on the ground and in the air. Agreements on communication and mission coordination between the air units date back to the 1990s, with much of this coordination stemming from a mid-air collision between the Costa Mesa and Newport Beach

Police Air Units in 1987. Agreements were also established for all Orange County air units to abide by. Similar agreements were established for all law enforcement aviation units to abide by in the entire Los Angeles region (See attachment).

During meetings between the Orange County Law Enforcement Air Units as far back as 2011, there were discussions concerning the need for improved air-to-air communication (See response to R1 below regarding O.C. Public Safety Air Support quarterly meetings). The lack of communication was identified as occurring during incidents, training and transitional flight. An attempt was made to have all Orange County Air Support Units, including OCFA, coordinate on the same aviation frequencies to enhance mission safety. OCFA preferred coordination on 800 MHz public safety frequencies, which did not guarantee the pilots of the involved aircraft were the individuals actually communicating. In the OCFA, the non-pilot crew chief talks on the 800 MHz frequency. For law enforcement agencies, the non-pilot Tactical Flight Officer (TFO) talks on those frequencies. In all other public safety and civil aviation, coordination is always between the pilots commanding the aircraft on VHF aviation frequencies established in the area by the FAA. Due to the radio issue, OCFA would not agree to the original proposal in 2011. In July 2015, an unsuccessful attempt was made to have OCFA agree to the verbiage included as the Appendix (p.31 of the attached Grand Jury Report) entitled "Orange County Public Safety Aviation Unit Multi-Aircraft Coordination Guidelines."

Although not a signatory to the guidelines, more recently the aviation personnel within OCFA have demonstrated a commitment to improved communication and coordination between their agency and Anaheim Police Pilots, along with professional service delivery.

*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 City of Anaheim agrees with this finding, in part. The Grand Jury Report mentions Orange County Public Safety aviation units have a larger than average number of aircraft compared to larger counties in the region. The report's reliance on geographical size as the sole variable negates the role of population density. Orange County is the 3<sup>rd</sup> most populous county in the state and 6<sup>th</sup> most populous in the country, with 3.2 million residents within 790 square miles. San Diego County has roughly the same population as Orange County over 4,207 square miles. San Bernardino has 1 million fewer residents but covers 20,057 square miles. With a strong correlation between the number of law enforcement aircraft operated and call volume/demand, population is also a relevant factor to consider. With 25 million annual visitors visiting its venues, the average daily population in Anaheim is far beyond its 360,000 residents. Even without these visitors, when population by county is compared, Orange County has the least amount of patrol helicopters per 1,000,000 people when compared to San Diego, San Bernardino, Riverside and Los Angeles Counties (See attached).

Anaheim agrees wholly, however, with the Grand Jury's assertion that an assessment of the number of aircraft operated relative to the small geographic size of Orange County is worthwhile to identify cost savings opportunities. This is an ideal topic to discuss among the affected agencies and the county as a whole relative to Recommendation #6 herein.

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

Response: The City of Anaheim agrees with this finding, in part. The current model in the county with the cities of Anaheim and Huntington Beach with standalone air operations along with the county (OCSD and OCFA) does provide for interagency coordination through the use of "Air Call," a countywide radio frequency available to all agencies within the county to request air resources. Further, the above listed air units regularly communicate with one another as necessary to ensure adequate coverage should one particular unit's aircraft not be available due to training, maintenance or a protracted incident.

While this system has served the needs of the county for decades, cost savings would likely be realized through the consolidation of air resources in a regional approach. As pointed out by the Grand Jury, economies of scale could be achieved to a greater degree through the consolidation of administrative, maintenance and training programs. It is important to note, however, that the agencies listed above (Anaheim, Orange County and Huntington Beach) bear all of the burden of providing air support services countywide. For equity to be achieved on a truly regional approach, an agreement among all cities in the county in terms of cost sharing would be beneficial and lead to greater long-term viability.

## RECOMMENDATIONS

*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 City of Anaheim agrees with the concept of this recommendation, and while the recommendation has not yet been implemented, Anaheim will collaborate with the county and other affected agencies with the goal of establishing the safety council within the next six months.

It is important to note that an iteration of this currently exists. For the past several years, the officers in charge of the public safety air support units operating in Orange County have been meeting quarterly for several years. Attending those meeting are the Air Support supervisors from the Anaheim Police Department, Huntington Beach Police Department, California Highway Patrol, Orange County Sheriff's Department and on occasion the Orange County Fire Authority. During those meetings, there is discussion on equipment, schedules, safety items and any other operational issues that need to be discussed. Contrary to the Grand Jury report, the minutes of the meeting are kept and distributed to the attendees.

An example of the nature of the topics discussed at these quarterly meetings is the selection and standardization of new equipment to promote safe and effective operation. Toward this end, the Anaheim Police Air Support Unit spearheaded a grant purchase of new Night Vision Goggles for the entire county so each agency will have the same capabilities, mission expectations and consistent training requirements. The group is also working in the direction of common capabilities concerning an Infrared/Color Camera purchase and standardized radio programming.

Even though the content of these quarterly meetings revolves mostly around law enforcement aviation, the supervisor of the Orange County Fire Authority Air Support has attended several of the quarterly meetings. Beyond these meetings, discussion between OCFA supervision and the Anaheim Police Air Support Supervisor are often done in person or by phone or e-mail. These discussions usually relate to equipment and firefighting, and both agencies enjoy a professional and mutually beneficial relationship.



Examples of this partnership include joint coordination on fire training, fire mapping, and helicopter command during fires and mutual equipment purchases.

In the future, the quarterly meeting of this group should include the OCFA Supervisor to ensure all Public Safety Aviation Units are on the same page with regard to safe operation. Since this recurring meeting is already in place, simply ensuring the inclusion of OCFA would achieve the goals outlined by the Grand Jury without the creation of a separate safety council.

*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 colocating and eventually consolidating the various Orange County city and county aerial support units.*

Response: While the City of Anaheim welcomes the opportunity to be part of any discussion pertaining to the development of a centralized approach to delivering public safety air support services, this recommendation requires further analysis due to the complexities involved including assessment of various service models, discussion and consideration of potential sites, potential degradation of service delivery to the jurisdictions currently providing air support services and consideration of available cost sharing plans.

It is paramount that any regional model not only meet the needs of Orange County, but also ensure a continued high level of service is delivered to Anaheim's residents, businesses and visitors. With 34 cities in the county and only three agencies providing air support services, an ideal regional model would provide for greater cost-sharing across the board. With the exception of agreements established between the cities of Newport Beach and Costa Mesa with Huntington Beach; and the City of Santa Ana with the Orange County Sheriff's Department, the current model in Orange County burdens a few agencies with the entire responsibility of funding and delivering air assets countywide. While consolidation of current air units into one centralized group could lead to greater efficiency, it could also lead to an even greater imbalance of that burden. In the interest of viability, it is highly recommended that any consolidation discussion include the assessment of a countywide service delivery model which includes a cost sharing mechanism for all jurisdictions. For some localities this could also include expenses related to firefighting in the wildland interface areas of the county.

As the largest city in the county and host to 25 million annual visitors and world class resort and convention venues, Anaheim has unique challenges and demands which must also be considered before any agreement on a consolidated model is reached. Any model must ensure the service level to Anaheim is not compromised. Further, in terms of cost savings, any consolidation must take into consideration the costs associated with the acquisition, maintenance and operation of Fire and Search & Rescue aircraft which presumably would be proportionally inherited by the agencies with air support units.

The Grand Jury report mentions that other public safety aviation units often combine for cost savings, and there are various successful versions of these collaborations across the region. Based on their geographical proximity and similar mission needs, the cities of Burbank and Glendale started an air support unit together. Individually, each of these cities may not have had the impetus or resources to create and maintain individual air support programs, but combined they have a population of 300,000 over 47 square miles. These numbers are smaller than the City of Anaheim alone and do not take into consideration the internationally recognized attractions that create more demand for Anaheim Air Support.

The Fontana, Rialto, Redlands and Colton Police Departments combined to start an air support program when the population density of the area increased. These four cities combine for a total population of 430,000 covering 117 square miles. Again, these four cities are in close proximity and when their cumulative demand for air resources is totaled, this collaboration is clearly viable and prudent.

In the early 1990s the Huntington Beach, Newport Beach, Costa Mesa and Orange County Air Support Units combined into a regional Air Support Unit. Although not collocated, they shared the burden of police services throughout the county. Anaheim did not participate in this regional program due to the likelihood for aircraft unavailability when needed most. What was learned from this regional approach is exactly that – the participating agencies' aircraft were not available when needed in their particular jurisdictions due to demands in other parts of the county. Although not available for service in their own respective cities, the agency was still paying the same amount of money to keep the program going. This regional model was soon abandoned.

All aviation units are created and operated with unique missions, responsibilities and expectations. Most police aviation units are run by cities with large urban areas and high population density including: the City of Los Angeles, Los Angeles County, the City of San Diego, San Diego County, Ontario, Riverside, Pasadena, Orange County, Huntington Beach and Anaheim. Other aviation units are created to deal with wildland firefighting and/or search and rescue. Many police agency aircraft can perform minimal firefighting and search and rescue missions; however, it is typically not the focus of their mission. The only constant in any of these programs is that they all operate helicopters, and the type(s) flown by each agency are different: Anaheim operates Airbus AS350B2 helicopters, Huntington Beach operates MD520N helicopters, Orange County Sheriff operates Bell UH-1, Airbus H125 and AS350B2 helicopters, the Orange County Fire Authority operates Bell 412 and Bell UH-1's. Attempting to combine programs that fly different aircraft and have different missions does not make operational sense.

*R.7. By January 15, 2019, Orange County Sheriff's Department, Orange County Fire Authority and the cities of Huntington Beach and Anaheim air support units should consider the benefits of a leadership plan that brings a manager with pilot experience into positions above the unit level.*

Response: The City of Anaheim agrees with this recommendation, and notes that the Anaheim Police Department's current Deputy Chief Julian Harvey is a former Pilot and former Unit Commander of Air Support. Considering the esoteric nature of public safety aviation, having individuals in leadership positions above the unit level with flight experience provides significant benefits to the decision-making process in terms of aircraft and equipment acquisition, long-term planning, training needs, mission limitations and overall safety of operation. The Anaheim Police Department will continue to develop individuals to fill critical leadership positions who possess the requisite skills and competence level to promote and deliver the highest level of service to the community.

I would like to express my appreciation for the efforts of the Orange County Grand Jury. The City is committed to providing a safe and peaceful environment for all who live, work and play in Anaheim. Should you have any questions or need additional information, please contact Anaheim Police Deputy Chief Julian Harvey, at (714) 765-1601 or [jharvey@anaheim.net](mailto:jharvey@anaheim.net).

Sincerely,

A handwritten signature in blue ink that reads "Chris Zapata". The signature is written in a cursive, flowing style.

Chris Zapata  
City Manager

cc: Orange County Grand Jury  
City Clerk, City of Anaheim

# **STANDARD OPERATING GUIDELINES**

## **MULTIPLE AGENCY/AIRCRAFT PURSUIT PROCEDURES**

### **I. PURPOSE**

These guidelines are intended to standardize procedures and enhance flight safety between multiple agencies when their aircraft are involved in pursuits which cross jurisdictional boundaries.

### **II. DEFINITIONS**

The following terms are used to define pursuit procedures on a commonality of air operations among Southern California air units for the purpose of this document only. It is not intended to legally define pursuit responsibilities as outlined in California Vehicle Code Sections 165 and 17004.

- A. Primary Agency Aircraft - The law enforcement aircraft whose agency has responsibility for and is actively involved in the pursuit.
- B. Primary Aircraft - The law enforcement aircraft actively involved in the pursuit of the fleeing suspect regardless of jurisdictional responsibility.
- C. Secondary Aircraft- A law enforcement aircraft assisting the Primary Agency Aircraft or the Primary Aircraft.
- D. Hand-Off - Exchange of responsibility for aerial surveillance of a pursuit or incident.
- E. Breaking Off - The act of disengaging from a pursuit or incident in order to affect a Hand-Off to another aircraft.
- F. Trailing – The act of a Secondary Aircraft following a Primary Aircraft.

### **III. COMMAND, CONTROL AND COORDINATION**

- A. In most instances, the first law enforcement aircraft to join a pursuit will be the Primary Agency Aircraft who will assume command, control and coordination responsibility for all air operations involving the pursuit.

- B. However, in many instances the first law enforcement aircraft to join the pursuit may not be the Primary Agency Aircraft, but may assume the Primary Aircraft responsibilities of command, control and coordination for all air operations involving the pursuit.
  - 1. Aircraft responding to another agency's pursuit should announce their intentions on the appropriate aviation air-to-air VHF frequency (123.025 MHz or 122.850 MHz)
- C. A Primary Aircraft providing assistance to an agency not having an air unit assigned or immediately available, will normally maintain command and control responsibility for air operations for the duration of the pursuit unless otherwise relieved of their responsibility.
- D. A Secondary Aircraft may respond to the pursuit either to assist the Primary Aircraft or assume the responsibility of command and control as the Primary Agency Aircraft.

#### **IV. INITIATING A PURSUIT HAND-OFF**

- A. A pursuit Hand-Off may be requested by the Primary Aircraft or Secondary Aircraft for a variety of reasons, e.g. low fuel status, change or assumption of command and control responsibilities, unfamiliarity with the area, etc.
- B. Prior to initiating a trailing position in the pursuit, the Secondary Aircraft pilot should communicate with the Primary Aircraft pilot on the appropriate air-to-air VHF frequency (123.025 MHz or 122.850 MHz). This may occur in response to a request for relief or assistance, an offer of assistance, or a request to assume command based on jurisdictional responsibilities.
- C. The Primary Aircraft pilot should acknowledge the Secondary Aircraft pilot and state his/her intentions or response to the offer for assistance.
  - 1. If no assistance is requested or desired, or if communications can't be established, the Secondary Aircraft should remain clear of the pursuit.
  - 2. However, if the Secondary Aircraft is assigned to the agency having jurisdictional responsibility for the pursuit and requests to assume command and control of the pursuit, the Primary Aircraft should relinquish command and control responsibility through a coordinated Hand-Off.
- D. The Secondary Aircraft, whether providing assistance to the Primary Aircraft or positioning for a Hand-Off, should maintain separation from the Primary Aircraft at a minimum of 500 feet above and 500 feet laterally (or altitudes mutually agreed upon



by the pilots), advising the Primary Aircraft pilot of his/her clockwise position relative to the Primary Aircraft.

## **V. COORDINATING AND CONDUCTING THE HAND-OFF**

- A. Once communications have been established between the pilots of the respective aircraft, a coordinated Hand-Off should be initiated by the Primary Aircraft pilot.
  - 1. The Primary Aircraft pilot should determine when and where the Hand-Off will occur and coordinate with the Secondary Aircraft.
  - 2. The Primary Aircraft should Break-Off from the pursuit by turning 90 degrees away from the pursuit in a direction away from the Secondary Aircraft.
- B. The Secondary Aircraft should not descend into position until the Primary Aircraft has turned and departed the pursuit.
- C. If the purpose of the Hand-Off is to assume jurisdictional responsibility only, the previous Primary Aircraft may provide assistance as the Secondary Aircraft if previously coordinated between pilots.
  - 1. In this case, the previous Primary Aircraft should continue to turn to a heading in the direction of the pursuit and climb to and maintain a minimum altitude 500 feet above and 500 feet laterally separated from the new Primary Aircraft, unless otherwise agreed upon by the pilots.
  - 2. It's recommended that once in position, the Secondary Aircraft should avoid use of their spotlight to illuminate the pursuit.
  - 3. The Secondary Aircraft is responsible for maintaining separation between the Primary Aircraft and separation from any media aircraft that may be following the pursuit.
  - 4. The maneuver should be considered in advance, with full concurrence by both pilots, and with coordination among other aircraft in the vicinity of the pursuit.

- D. Regardless of the reason for the Hand-Off, once initiated, the pilots of both aircraft shall maintain communication, visual reference and separation from each other throughout the maneuver.
- E. Pilots are generally responsible for their own ATC clearances. However, if requested, the Secondary Aircraft may handle ATC clearances for both aircraft to ease the burden on the Primary Aircraft pilot.

## **VI. TRAINING**

- A. Each agency agreeing to these guidelines should ensure that all crewmembers (pilots and TFO's) assigned to their units are trained on the procedures outlined herein. It is recommended that training consist of the following:
  - 1. Initial training/briefing of the procedures to all current crewmembers and instructors.
  - 2. Initial training of all new pilots and TFO's prior to being released from training.
  - 3. Recurrent training of all crewmembers on at least an annual basis.
- B. Record of training should be included in the crewmember's training file.

## **VII. MUTUAL AGREEMENT**

- A. All parties to these guidelines should meet annually to review and/or update the procedures outlined herein.
- B. The guidelines shall be agreed upon by the Commanding Officer of each participating Air Unit and shall become effective on the date of the last participating signature.
- C. The guidelines are non-regulatory and serve only as a common practice and procedure for the purpose of standardization and flight safety.

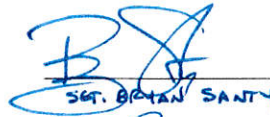
STANDARD OPERATING GUIDELINES

MULTIPLE AGENCY/AIRCRAFT PURSUIT PROCEDURES

PARTICIPATING AGENCIES

OIC CONCURRENCE

ANAHEIM

  
SGT. BRYAN SANTY

Date 4/29/15

BURBANK/GLENDALE

  
RM PHILLIPS

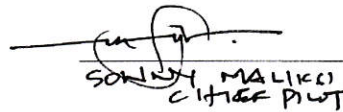
Date 29 APR 15

CALIFORNIA HIGHWAY PATROL

  
CAPT. SCHRÖDER

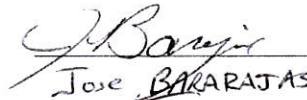
Date 4-29-15

LAKWOOD

  
SONJAY MALIK  
CHIEF PILOT

Date 05/06/15

EL MONTE

  
Jose BARAJAS

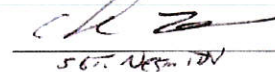
Date 4-29-15

HAWTHORNE

  
SCS COMMANDER

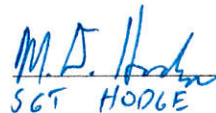
Date 5/8/15

HUNTINGTON BEACH

  
SGT. NELSON

Date 5-13-15

LONG BEACH

  
SGT HODGE

Date 4-29-15

L.A. COUNTY SHERIFF'S DEPT

  
ANDREW RAMIREZ, CAPT.  


Date 4-29-15

L.A. POLICE DEPT

LT Phillip A. Smith Date 4/29/15  
Phillip A. Smith

ORANGE CO. SHERIFF'S DEPT

Daniel Missel Date 4-29-15  
Daniel Missel SGT.

PASADENA

MIKE INGRAM Date 4-29-15  
M. Ingram

POMONA

Daniel Pinkosky Date 4-29-15  
DANIEL PINKOSKY

ONTARIO

Steve Valvo Date 4-29-15  
STEVE VALVO

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Southern California Regional Helicopter and Population Statistics

County	Population	#of cities	Square miles	Density/ Square mile	Patrol Helicopters	Fire/SAR	Per 1000 Mile	Per 1,000,000	Patrol 1000 mile	Patrol Per 1,000,000
Orange	3,200,000	34	948	3,200	9	6	15.8	4.6	9.4	<b>2.8</b>
San Diego	3,300,000	18	4526	680	10	3	2.9	3.9	2.2	3
San Bernardino	2,100,000	24	20,000	100	12	3	0.75	7.1	0.6	5.7
Los Angeles	10,100,000	88	4751	2,100	48	18	13.9	6.5	10.1	4.7
Riverside	2,400,000	28	7300	300	10	0	1.3	4.1	1.3	4.1

<b>Helicopter</b>		
<b>Totals</b>	<b>Patrol</b>	<b>Fire/SAR</b>
<u>Orange County</u>		
Anaheim	3	
HB	3	
OCSD	3	2
OCFA		4
<u>Los Angeles County</u>		
LAPD	17	
LASD	14	3
LBPD	3	
Hawthorne	1	
El Monte	3	
Glendale/Burban	3	
Pomona	2	
Pasadena	5	
LAFD		6
LACoFD		9
<u>Riverside County</u>		
Riverside PD	4	
RSD	5	
<u>San Diego County</u>		
SDPD	4	
SDSD	6	3
<u>San Bernardino County</u>		
SBSD	7	3
Fontana/Rialto/C	2	
Ontario	3	