



SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA

SANDRA HUTCHENS
SHERIFF-CORONER

OFFICE OF SHERIFF-CORONER

August 31, 2011

Honorable Thomas J. Borris
Presiding Judge of the Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701

Subject: Response to Orange County Grand Jury 2010-2011 Report, "Review of the Sheriffs Aviation Support Unit."

Dear Judge Borris:

In accordance with Penal Code sections 933 and 933.05, enclosed please find the response to the FY 2010-2011 Orange County Grand Jury Report, "Review of the Sheriffs Aviation Support Unit." If you have any questions, please contact Assistant Sheriff Mark Billings at (714) 647-1833.

Sincerely,



Sandra Hutchens
Sheriff-Coroner

cc: Jerry L. Powell, Grand Jury Foreman
Members, Board of Supervisors
Thomas G. Mauk, County Executive Officer

550 N. FLOWER STREET, SANTA ANA, CA 92703 (714) 647-1800

*Integrity without compromise, Service above self, Professionalism in the performance of duty,
Vigilance in safeguarding our community*



ORANGE COUNTY SHERIFF'S

DEPARTMENT

GRAND JURY RESPONSE

AVIATION SUPPORT UNIT



Dear members of the Grand Jury,

The Orange County Sheriff's Department (OCSD) has received and reviewed the Orange County Grand Jury report titled "Aviation Support Unit". The Orange County Sheriff's Department has reviewed the findings in a collaborative effort with necessary personnel and has prepared the following response.

FINDINGS

F.1

The Orange County Sheriff operates the smallest fleet of helicopters of any county in the southern part of the State.

Response: *Agree with Finding*

The Orange County Sheriff's Department prides itself as a full service department providing quality services to its citizens with a dedicated and highly skilled workforce. This commitment to excellence is clearly exemplified in the day to day operations of the Aviation Support Unit. As correctly pointed out in the Grand Jury Report, there are no recognized standards as to the number of helicopters required to operate based upon geographical area or population. The Aviation Support Unit currently has a fleet of two AS350-B2 helicopters.

F.2

Orange County is the only county in the southern part of the State whose Sheriff's helicopters lack hoisting capability.

Response: *Agree with Finding*

The Orange County Sheriff's Department's currently operates a fleet of two AS350-B2 helicopters that do not have hoisting capabilities. However, in June of 2000, the Sheriff's Department and Orange County Fire Authority (OCFA) developed an Operational Area, Memorandum of Understanding (MOU) in order to provide a coordinated response that is mutually respectful of each other's primary jurisdictional authority, functional responsibility, and technical capabilities. We strive to provide the highest level of emergency response to the public and because our helicopters do not have hoisting capabilities at this time, we assign these missions to the Fire Authority.

F.3

Budgeted amounts to maintain the unit are reasonable and have reflected prudent management in view of the economic downturn.

Response: *Agree with Finding*

The Orange County Sheriff's Department's Aviation Support Unit recognizes the importance of fiscal responsibility. The Aviation Support Unit is a complex and costly undertaking that must be managed accordingly. There are many specialty functions that are inherent to a fully established helicopter program that require extensive specialized training, unique equipment, and a level of experience and expertise which is generally not seen in most units. I credit the 20% reduction in expenditures over the past two years to strong leadership and sensible management. The Aviation Support Unit has provided responsible stewardship of available resources and has maintained fiscal planning processes that address short- and long-term goals and objectives. ASU has limited the County's exposure to undue liability and risk and has identified alternative sources of revenue to maintain current plans for the repair and replacement of equipment and facilities.

F.4

The current facilities of the Aviation Support Unit are overcrowded and inadequate to house all aircraft.

Response: *Agree with Finding*

At the time of the Grand Jury Review, the Sheriff's Aviation Support Unit was co-located with the Airborne Law Enforcement Services (ABLE) program. This mutually beneficial relationship originated over 24-years ago when both programs entered into an "Agreement for Joint Maintenance." On March 29, 2011, ABLE's Board of Governors, and the City Councils for Newport Beach and Costa Mesa, notified the Sheriff's Department that ABLE would be terminating the Agreement on June 30, 2011. Subsequently, the Aviation Support Unit has moved to a new hanger and is able to house all its air craft and any future growth.

F.5

Law enforcement pilot compensation varies considerably between agencies and lacks standardization.

Response: *Agree with Finding*

The Orange County Sheriff's Department values its employees and supports reasonable compensations for its pilots. However, pursuant to the provisions of the Employee Relations Resolution of the County of Orange and the Meyers-Miliias-Brown Act (Government Code Section 3500 et seq.), pilot compensation is negotiated between the Association of Orange County Deputy Sheriffs (AOCDS) and the County of Orange.

F.6

No reimbursement program exists to compensate the Orange County Sheriff when county helicopters are operated in support of agencies outside the Sheriff's jurisdiction.

Response: *Partially disagrees with the finding*

There are a number of services provided by the Sheriff's Department to all law enforcement agencies and cities at no additional cost. Generally, these services are found in statutes that identify County services that are established by the Board of Supervisors for cities and unincorporated areas of the County. Generally, these services are not replicated as a specialized function in cities with their own police department due to the fact that the services are available at no cost to the city on a county-wide basis. The Orange County Board of Supervisors passed Resolution 89-1160 authorizing the Sheriff's Department to charge as a direct service to a city, including contract cities, a fee for helicopter services to the extent that the level-of-service requested by the city is greater than that given to the other Orange County cities free-of-charge. Subsequent to the Grand Jury Report and dissolution of the ABLE Program, the County of Orange has entered into an Agreement for Law Enforcement Helicopter Services with the City of Santa Ana.

F.7

The Sheriff's Aviation Support Unit lacks a long term plan.

Response: *Partially disagrees with the finding*

The Orange County Sheriff's Department has a 5-Year Strategic Plan. This Strategic Plan consists of twelve initiatives that are accompanied by goals and objectives. This Plan is not intended to be inclusive of all Department strategies, goals, or desired outcomes, nor does it limit the manner in which problems are solved or limit future opportunities for growth. The Plan is intended to guide the Department and all its respective Divisions toward success, and direct employees on a path to reach their potential. The Aviation Support Unit shares these same overarching goals. The Aviation Support Unit is in the process of developing a long term plan that is consistent with the Departments missions and strategic plan.

RECOMMENDATIONS

R.1

As budgetary constraints allow, add a third helicopter to the Aviation Support Unit, with hoist capability.

Response: *The recommendation requires further analysis*

I have directed my staff to research the economic feasibility of purchasing a third helicopter that has hoisting capabilities. In addition, the Sheriff's Department has retained the aviation consulting firm of Conklin & de Decker, Inc. to perform a variable cost analysis of the AS350B2 versus the AS350B3. The report will compare the estimated future maintenance costs of the existing helicopters to those of the newer helicopter. All reports will be completed and made available within three months.

R.2

As budgetary constraints allow, replace the two existing helicopters with hoist capable models.

Response: *The recommendation has not yet been implemented, but will be implemented in the future.*

A general guideline that is currently endorsed by the aviation industry specifies 7,000 flight hours and/or seven years of operation as a threshold for helicopter replacement. I acknowledge that the maintenance costs of our current fleet of helicopters continue to increase significantly each year and that the present fleet is reaching the end of their life cycle, both from a repair and technological point of view. The new helicopters

will lower the maintenance costs, reduce out-of-service time and provide hoist capabilities. The recommendation to move forward with replacing the current fleet will be made after the cost analysis by *Conklin & de Decker*. Tentatively replacement dates have been scheduled for FY 2012/2013 and FY 2013/2014.

R.3

Conduct a study of Pilot and Tactical Flight Officer career paths to improve retention and staff longevity within the Aviation Support Unit.

Response: *The recommendation has not yet been implemented, but will be implemented in the future.*

The Orange County Sheriff's Department values its employees and is committed to creating a positive and productive work environment. I have directed my staff to conduct a career path and longevity study of our pilots and tactical flight officers. The study will be completed and available for review in three months.

R.4

Develop and implement a plan for reimbursement from noncontract city operations, within the framework of mutual aid agreements.

Response: *The recommendation will not be implemented because it is not warranted or is not reasonable.*

As the Sheriff and Law Enforcement Mutual Aid Coordinator for Orange County, I have a legal and fiduciary responsibility to all the citizens of Orange County. When an emergency develops or appears to be developing which cannot be resolved by a law enforcement agency within the County, it is the responsibility of the Sheriff to provide assistance and coordination to control the problem (Section 26602 GC). Any reimbursement plan developed within the framework of "mutual aid" would be in direct conflict with the Master Mutual Aid Plan (Protocol #122) that was adopted by the Orange County Chiefs' of Police and Sheriff's Association and Board of Supervisors Resolution 89-1160. The Sheriff's Department will not seek reimbursement for services rendered under a mutual aid request as defined by the Master Mutual Aid Plan. However, the Sheriff's Department does support the contracting of air support services as a preventative and proactive service.

R.5

Conduct a study for regionalization of the Sheriff's helicopter program to equitably distribute costs and coverage to all citizens of Orange County.

Response: *The recommendation will not be implemented because it is not warranted or is not reasonable.*

I agree with the Grand Jury's assertion that the fundamental problem with regionalization comes down to simple economics. The concept of regionalization is not new to the Sheriff's Department and that is why earlier this year, I had my staff conduct a feasibility study on creating a Regional Law Enforcement Helicopter Program. The study compared three possible options for regionalization of law enforcement helicopter programs in Orange County. The three options explored were:

- 1) A "Sheriff Only" program

- 2) An Orange County Regional program
- 3) Contract/Hourly Rate program

Each of these options identified potential cost savings to the County, but they also represented a significant increase in costs to those cities without a current helicopter program. I do not believe there is support to create a regionalized program that equitably distributes costs and coverage to the citizens of Orange County under these rough economic times. A copy of the study will be made available upon request.

R.6

Develop and maintain a long term plan for the Aviation Support Unit for acquisition of significant capital items and improvement or relocation of existing operating facilities.

Response: *The recommendation has not yet been implemented, but will be implemented.*

The Orange County Sheriff's Department has developed a 5-Year Strategic Plan which is made up of twelve initiatives. This plan was developed to improve services that are consistent with our core values, while being accountable to the residents and businesses we serve, coupled with our consistent desire to improve. The 4th Initiative of this plan focuses on all units, including the Aviation Support Unit, to perform a comprehensive performance assessment. The assessment will identify baseline performance measures for long term planning. Another objective of this initiative is to prioritize critical and necessary functions and to develop baseline key performance indicators that can be used for budget evaluations and decision making. The Aviation Support Unit will complete this internal assessment within the next six months. I have asked the Aviation Support Unit to develop a long term plan that includes the acquisition of capital projects and improvements. This plan will be completed within six months.

On July 1, 2011, the Aviation Support Unit moved its operations to a new facility that is capable of accommodating both helicopters and future expansion.