



Photos by Kevin Chang | Staff Photographer

ARMY VETERAN Michael Anderson and Navy veteran Andrea Alexander, both residents, give a tour of a community room at Orange County Rescue Mission's Tustin Veterans Outpost. The facility provides transitional housing for homeless and formerly homeless veterans.

O.C. Rescue Mission celebrates homeless vets facility expansion

The Orange County Rescue Mission recently finished expanding its Tustin Veterans Outpost, which provides transitional housing for homeless and formerly homeless veterans.

The Tustin-based facility added 45 beds, bringing the total to 71. Now more homeless veterans will be able to take advantage of the facility's various services, which include case management, mental health services, educational assistance, vocational training, and food and nutrition assistance, among many other services.

"The expansion of Tustin Veterans Outpost will allow us to continue to serve more Veterans in the community," Jim Palmer, president of the Orange County Rescue Mission, said in a news release.

"We were able to purchase the adjacent three fourplexes to the original Veterans Outpost, allowing us to significantly increase overall capacity. We renovated and updated the complex with the help of our donors and the local community."



ARMY VETERAN Samuel Johnson shows off his bedroom at the Tustin Veterans Outpost.

Palmer mentioned that the expansion would not have been possible without community donations.

Howard's, the appliance retailer, donated full kitchen suites, washing machines, dryers and televisions for each

unit.

"We are forever indebted to the men and women who fought, and continue to fight, for our country," Palmer said. "Our veterans made the ultimate dedication and sacrifice to the United States, and for

that, we believe that no veteran should be homeless, and this expansion is one step closer to that goal."

For more information about the facility, visit rescuemission.org/programs/.

— Ben Brazil



THE COURTYARD at Orange County Rescue Mission's first facility at Tustin Veterans Outpost, which opened on June 14, 2016.



RESIDENT HOUSTON RAY JOHNSON, TVO Chaplin, C.P.E., walks through a community room that will be mainly utilized as a study hall.

Sheriff's use of force policies under fire

A confidential document appears to highlight problematic issues regarding the actions of some deputies.

BY BEN BRAZIL

A handcuffed 13-year-old boy picked up into the air by a deputy and slammed into a patrol car.

A deputy holding his knee on the back of an inmate's neck for more than two minutes.

An inmate attempting suicide after being elbowed in the head by a deputy who later denied using any force when questioned by a supervisor.

Each of these instances occurred under the watch of the Orange County Sheriff's Department. None of the deputies involved in these incidents were referred to Internal Affairs for investigation or potential discipline.

The incidents are highlighted in a confidential report reviewed by TimesOC. The report, titled "Special Report on Pressing Use of Force Issues," was prepared by the Office of Independent Review, which oversees the county's Sheriff's Department, district attorney's office, public defenders office, probation department and Social Services Agency.

The OIR has been conducting a review of the Sheriff's Department's use of

See **Force**, page R2

Grand jury calls for probe of evidence mishandling

A report released this week ask for an independent audit of the Orange County Sheriff's Department.

BY BEN BRAZIL

The Orange County Grand Jury is pushing for an independent audit of the Sheriff's Department to ensure that evidence is not continuing to be mishandled by deputies.

The grand jury's report, released this week, delves into the much-publicized evidence mishandling scandal, where Orange County sheriff's deputies were found to have booked evidence late or failed to book evidence at all and subsequently lied about it in reports.

"Ultimately, the only way to know if the evidence booking issue has been resolved is through an impartial third-party verification," the report says. "An independent audit of department reports submitted after March 2018 would confirm that the new policies and procedures are being followed."

The evidence mishandling scandal

See **Evidence**, page R2

Irvine invites Marine aviation museum to return to El Toro

BY DANIEL LANGHORNE

U.S. Marine Corps jets and helicopters could return to the decommissioned Marine Corps Air Station El Toro following an agreement inked by the Irvine City Council on Tuesday.

The Flying Leathernecks Historical Foundation has proposed refurbishing a 215,000-square-foot hangar at Orange County Great Park into a new home for its aviation museum currently on Marine Corps Air Station Miramar in San Diego.

In March, Marine officials permanently shuttered the museum after reallocating more than \$460,000 annually spent on its operation toward higher-priority missions.

The Memorandum of Understanding unanimously approved



Kevin Chang | Staff Photographer

RETIRED MARINE CORPS Brig. Gen. Michael Aguilar stands in front of a WWII hangar at Orange County Great Park in Irvine.

by Irvine council members essentially reserves Hangar 296 for two years while the foundation works on relocating the museum's collection and fundraising.



Jarrod Valliere | The San Diego Union-Tribune

THE FLYING LEATHERNECK Aviation Museum at the Miramar Air Station in San Diego was shuttered due to budgetary concerns in March.

Marine officials acknowledged receiving interest from multiple groups in the fate of the aircraft

and memorabilia kept at the closed Flying Leatherneck Museum.

"We are aware that the Flying Leatherneck Historical Foundation recently contacted the city of Irvine regarding a proposal to establish an aviation museum in the Orange County Great Park," Maj. Jorge Hernandez, a spokesperson for Marine Corps headquarters, said in a statement.

"We look forward to working with the relevant parties as more information on the proposal develops."

This move would actually be a homecoming for the nonprofit, founded in June 1989 at El Toro to help preserve and commemorate Marine aviation history, said retired Brig. Gen. Michael Aguilar, executive director of the Flying Leather Historical Foundation.

A former AH-1 Cobra squadron

See **Museum**, page R4

Expired PPE, staff shortages, English-only outreach: Inside Orange County’s troubled COVID response

BY HANNAH FRY

In early 2020, as COVID-19 cases began popping up across Southern California, Rep. Michelle Steel’s message to her constituents brimmed with the optimism that Orange County might be able to avoid an outbreak.

“We will do whatever we can do [to] keep Orange County coronavirus-free,” Steel — then the chair of the county’s Board of Supervisors — said in late February. Less than a month later, the county identified its first COVID-19 infection from community spread. Over the course of 15 months, the virus would infect more than 254,000 people and kill over 5,000 in Orange County alone.

An investigation by the Orange County Grand Jury shows Steel wasn’t alone in thinking it was possible to stem the rising tide of a pandemic. A report released last week showed that county officials for years had largely underestimated the threat of a global pandemic — classifying it as likely as a disaster at the San Onofre nuclear plant or an act of terrorism.

That mindset resulted in a response that stymied outreach efforts to hard-hit communities and hindered access to testing and vaccines, according to the report.

It’s an issue that bedeviled other jurisdictions across California and the U.S. as COVID-19 infections picked up steam and areas struggled with calibrating how hard they should respond.

But Orange County stands out because of the distinct role some of its politicians and residents played in fighting back



Allen J. Schaben | Los Angeles Times

IN EARLY JANUARY, the county opened its first large-scale vaccination site in the Toy Story parking lot at the Disneyland Resort.

against tough restrictions meant to slow the spread of the coronavirus.

Orange County quickly became a nexus of COVID-19 doubt in 2020.

When Los Angeles County closed its beaches in an effort to enforce social-distancing guidelines, most Orange County beaches stayed open. When Democratic Gov. Gavin Newsom ordered the county’s shorelines closed in April after photos circulated showing throngs of beachgoers, it unleashed a torrent of criticism from conservative elected officials.

When Orange County imposed a mask order in June, mobs of protesters screamed at politicians during county meetings.

Anti-vaccination crusader Leigh Dundas publicized the personal history and home address of the county health officer, Nicole Quick, during a Board of Supervisors meeting and then showed up at the doctor’s home with a banner depicting Quick as Adolf Hitler. She resigned within days.

Months later, when the state issued a mandatory 10 p.m. curfew to try to stave off more coronavirus infections, protesters calling themselves the “curfew breakers” converged near the Huntington Beach Pier in what they said was an attempt to take back their liberty from the liberals in Sacramento.

The county has 90 days

to respond to the grand jury’s report. Board of Supervisors Chair Andrew Do called the report overly broad and said it didn’t take into account the conditions officials faced when the virus hit.

“To the degree that it comes across as a criticism, I take a little issue with that. Looking back a year later is more than just Monday-morning quarterbacking,” Do said. “It’s not enough to put into proper context what everybody knew happened, which was the world lost its mind at that moment because we had a thousand concerns.”

Andrew Noymer, an epidemiologist and associate professor of public health at UC Irvine, said it’s not

surprising the severity of COVID-19 took people by surprise.

Pandemics that have occurred in the past 100 years, including the most recent H1N1 “swine flu” in 2009, paled in comparison with the Spanish flu in 1918 and COVID-19, which has killed more than 589,000 people in the United States and infected more than 33 million.

In California, more than 3.7 million residents have been infected, and over 62,000 have died from the illness.

“The fact that the most recent pandemic was such a damp squib really left people unprepared [for COVID-19],” Noymer said. “It took a lot of air out of

the balloon.”

After Newsom declared a state of emergency, Orange County remained hesitant to fully commit to restrictions handed down by the state.

Despite pushback against such constraints, fewer people became infected and died in Orange County compared with Los Angeles County, which was an early adopter of COVID-19 regulations.

Compared with Orange County, L.A. is far more urbanized and has a larger population of essential workers, whose jobs made it impossible to work from home. More than 1.2 million people have been infected by COVID-19 in L.A. County, and more than 24,000 have died.

Still, the Orange County Grand Jury warned that if problems aren’t addressed locally now, future pandemics will pose significant challenges. Scientists have warned that other pandemics could be on the horizon.

Noymer agrees that the aftermath of COVID-19 is a prime opportunity for governments to do an accounting of what was successful as they rolled out their emergency plans and where they hit speed bumps. Orange County is the first in the region to take that step publicly.

When faced with mounting a response to the coronavirus in early 2020, Orange County officials were caught somewhat flat-footed, the report showed.

They underestimated the requirements necessary to communicate with the public and lacked established relationships with community groups in hard-

See **Response**, page R5

EVIDENCE

Continued from page R1

was brought to light in 2019.

The Sheriff’s Department had already conducted two audits of its deputies by that time. The department found that between 2016 and 2018, 414 deputies had booked evidence 31 days or more after it was seized and 1,135 deputies had booked evidence six to 10 days after it was seized, according to a court motion. Department policy requires evidence to be booked at the end of a shift.

Dist. Atty. Todd Spitzer’s office then conducted a third audit of the evidence mishandling, which resulted in reduced or dropped charges in 67 cases involving battery, assault and drug possession, among other charges.

Three deputies have been charged with evidence-mishandling crimes.

The grand jury also recommends that the Sheriff’s Department issue a directive within 90 days requiring lieutenants to regularly perform “spot checks” to ensure that evidence is being booked on time.

The grand jury noted that the Sheriff’s Department’s second audit report included a recommendation to conduct monthly spot checks. However, the department never formally adopted the protocol.

“There does not appear to be a policy holding management above the sergeant level accountable for evidence booking and reporting,” the report says.

The grand jury said that much of the evidence mishandling is owed to a lack of leadership and the misplaced priorities of deputies.

The report also says that supervisors were not held accountable because the department lacked proper oversight.

“Deputies were busy making arrests and placed a higher value on arrests than booking evidence,” the report says.

The grand jury also recommends that new Sheriff’s Department trainees be given a tour of the department’s Property Evidence Central Booking Facility, which used to be a part of the training of new recruits but isn’t anymore.

“The Grand Jury toured this facility and is of the opinion that the knowledge gained from such a tour would be beneficial to new trainees in emphasizing the importance of proper collection and processing of physical evidence,” the report says.

When reached for comment, Sheriff’s Department spokeswoman Carrie Braun provided an emailed statement but also said the department will formally respond to the grand jury, which the department has 90



Luis Sinco | Los Angeles Times

ORANGE COUNTY Sheriff Don Barnes speaks during a media briefing.

days to do.

“The Grand Jury commended OCSd for taking immediate action once evidence booking issues surfaced, initiating policy changes, and holding employees accountable through both discipline and referral to the D.A. for prosecution,” Braun said in the statement. “The Orange County Sheriff’s Department is reviewing the Grand Jury’s recommendations and will implement any that we believe will strengthen our current procedures.”

In her response, Braun noted the work of the Office of Independent Review, which oversees the Sheriff’s Department, district attorney’s office, public defenders office, probation department and Social Services Agency.

“With regard to the recommendation for a third party audit on evidence booked post-March 2018, it is important to note that the review of evidence is part of the work plan for the Office of Independent Review. We welcome OIR’s review of our evidence systems and believe it will confirm the effectiveness of the controls we have put in place.

“The test of an organization’s strength is how it responds when problems or shortfalls come to light. The Grand Jury Report confirms that the department took swift action to correct the evidence issue.”

The grand jury report says that district attorney staffers are still concerned about whether the Sheriff’s Department is conducting random audits to ensure that there isn’t any further mishandling of evidence.

In response to a request for comment, D.A. spokeswoman Kimberly Edds said the district attorney’s office has already asked the Office of Independent Review to review the evidence booking issues.

O.C. Public Defender Martin Schwarz declined to comment for the story.

The grand jury failed to highlight some important aspects of

the scandal. The report commends the Sheriff’s Department’s response to the discovery of the evidence mishandling but does not mention that the department covered up the scandal until O.C. Register reporter Tony Saavedra broke the story in November 2019.

Orange County Assistant Public Defender Scott Sanders, who has revealed details about the evidence mishandling scandal in court filings, said in a past interview that the situation is “far from a success story of a rapid response addressing systematic misconduct.”

“We weren’t going to learn any of this, and there certainly was no intent to inform us about the massive scope of false reporting and failures to book evidence,” Sanders said in January.

“We obtained the audit through a source and it then became public, more than a year after the massive scope of the problem was understood by the [Sheriff’s Department]. That’s why action was taken. And the real work is just beginning.”

The grand jury report also noted the first 17 deputies referred for criminal prosecution for evidence mishandling and filing false reports. However, it did not mention that the district attorney’s office initially chose to not prosecute any of the 17 deputies. Spitzer later reopened the cases.

At least 16 deputies have been added to the county’s Brady notification list, which is a record that district attorney’s offices are supposed to update with the names of law enforcement personnel who have records of dishonesty, criminality and other issues that could affect their credibility as a witness. Sanders said in a past interview that he believes hundreds more deputies should be added to the Brady list.

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FORCE

Continued from page R1

force policies over the last several months.

This confidential document appears to highlight problematic force incidents and department policy issues ahead of the release of a more comprehensive report from the OIR, which is “forthcoming.”

The report is addressed to the Orange County Board of Supervisors and Sheriff Don Barnes.

The report says that the OIR for its review analyzed 147 use of force packets — not involving shootings — of the 627 that were filed between Jan. 1, 2020, and Oct. 5, 2020. The sample is meant to serve as a representation of the total number of force incidents during that time span.

The report focuses on three incidents where deputies exhibited force that the OIR claims should have warranted deeper scrutiny than they received. The deputies involved in the force incidents are not named in the OIR report.

“OCSd’s decision to forgo the relatively exhaustive Internal Affairs review process suggests a systemic issue that raises significant risks for the County, its sworn officers, and the public they serve,” the OIR report says.

“It also raises the possibility that other such lapses exist within the incidents not yet reviewed by the OIR.”

USE OF FORCE INCIDENTS

On March 17, 2020, deputies were called to a scene to diffuse a domestic dispute between a 13-year-old boy and his parents, the OIR report says.

The boy was suffering through an “apparent mental health crisis” and his parents did not want him to be arrested. The boy was handcuffed and led to a patrol car after the parents asked for him to undergo a mental health evaluation.

The report says the boy then insulted two deputies and spat in the direction of a deputy’s car, but he did “not appear ready to flee or resist.”

Yet, one of the deputies grabbed the child’s arms, lifted him into the air and slammed him against a patrol car, according to the report, and the child’s feet dangled in the air for seconds as the deputy pushed him against the vehicle.

“The encounter between the second deputy and the child lasts for 20 seconds and represents a tremendously quick and tragic escalation of events,” the reports says.

The supervisors who reviewed the incident concluded that the deputy’s actions violated department policy, specifically pointing out that the type of force that was used could have injured the child.

Yet, the deputy was not reported to Internal Affairs for further investigation and potential disciplinary action. Rather, the lieutenant who reviewed the incident recommended counseling and a negative performance note, which is expunged after being incorporated in the deputies’ performance evaluation for that specific period.

As noted in the OIR report, the Sheriff’s Department requires supervisors to refer potential out-of-policy force violations to Internal Affairs.

The same deputy was cited a few weeks later for using excessive force after he grabbed a suspect’s neck and forced him to the ground without giving him adequate time to comply with deputies’ commands.

Again, a reviewing lieutenant said the deputy will be counseled and didn’t report the incident to Internal Affairs, even though he said in his report that the deputy could have injured the suspect and himself because of how quickly he pulled the suspect off the ground.

The deputy also damaged his patrol car during the incident when he ran over two concrete medians, the OIR report says.

On April 27, 2020, a deputy placed his knee on the back of an inmate’s neck for about two minutes and 25 seconds while several other deputies helped to subdue the agitated inmate.

The deputy then erroneously reported that he had placed his knee on the inmate’s body, not his neck. The OIR reports says that his knee remained on the inmate’s neck for long after the inmate appears to be subdued.

“Without applying cognizable medical care, the deputies then exit the cell,” the report says. “The inmate is left on the ground, his legs and shoulders twitching.”

The report says that the sergeant who reviewed the incident said that it presented liability concerns because the inmate could have suffered a spinal injury.

“Because this force could have resulted in serious bodily injury, supervisors should have flagged this incident as involving deadly force, which should have triggered a requirement to forward the incident to Internal Affairs,” the report says.

However, supervisors did not refer the incident to Internal Affairs and instead wrote that the deputy should receive refresher training on arrest and control techniques.

Despite identifying several glaring problems with the way the other deputies handled the incident, the lieutenant who reviewed the issue determined that there should be a review of the incident and verbal training for the deputy.

See **Force**, page R5

O.C. Children’s Therapeutic Arts returns to in-person learning

BY VERA CASTANEDA

At the start of distance learning last year, Roberto Reyes didn’t feel like logging into any additional Zoom classes other than the required amount, he said.

Roberto, now 15 years old, had spent most of his life consistently attending Orange County Children’s Therapeutic Arts programs, but finishing up his last year of middle school online was hard enough.

It wasn’t until a few months later that he began itching to return to art classes no matter if they were held online.

“Not having something to look forward to every day was driving me nuts,” he said.

This year Roberto is participating in piano, viola, harp and media arts programs at the center in a hybrid-learning model.

By June 7, the center plans to fully transition to having in-person classes limited in size to accommodate social distancing at its Santa Ana headquarters.

The nonprofit provides arts programming to a wide range of residents including at-risk youth and children with special needs.

Programs include pre-kinder to adult arts education for those with or without special needs, academic tutoring, parenting education, youth employment and mental health and wellness for adults and seniors.

Ana Jimenez-Hami, founder and executive director of the therapeutic arts center, started the nonprofit in 2000 to honor her Puerto Rican parents’ philanthropic traditions after their tragic death.

Her father, in particular, had an affinity toward helping special-needs children and Jimenez-Hami’s doctoral focus is on music therapy.

Reyes’s mom, Beronica, enrolled him and his older brother, Jesus, into music classes at a young age.

“My two kids are on the autism spectrum,” she said. “Step by step, I saw a big difference in speech and different areas, but the key is you have to keep going. You can’t stop the classes.”



Photos courtesy Mark Dimalanta

ROBERTO REYES plays viola at OCCTAC with Jairo Mendez and Lupita Marcial. Reyes is a regular participant in programs at the center.

JUSTIN NAVARETTE,

Jesus Reyes, Roberto Reyes, Angelica Cervantes and William Do-Trinh are pictured with their instruments.



Although the center saw a dip in attendance at the beginning of the pandemic, its classes are now full. Together with its partnerships in Santa Ana Unified School District, it serves more than 7,000 students.

Arts classes are fee-based, but a large portion of participating families, like Reyes, qualify for scholarships.

Reyes’ latest project involves Prep Arts Academy students playing and dancing to Tito Pu

entes’ song “Oye Como Va” in a music video, which will be released in the summer.

The project started with conversations between Carlos Beltran Arechiga, the center’s director of arts education, and Phoebe

Stanciell, the music coordinator.

The song was accessible enough for students to learn and practice remotely.

Arechiga said the music video was a good way to bring the center’s community back together in person.

“It also afforded us an opportunity to go out and shoot in locations, which in turn brought the families back out while maintaining social distancing,” Arechiga said.

“It was extremely rewarding to see our students reconnecting. I heard some students, who had never met their instructor in person, say, ‘Wow, you are real!’ And I saw their ability to execute what they have learned, which was amazing.”

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Newport gallery showcases local artist in first exhibition

Kennedy Contemporary, a new art gallery in Newport Beach, will celebrate its grand opening with Elyse Katz's solo exhibit "Silver Lining."

The exhibit, which features mixed-media paintings, is a result of Katz challenging herself to paint daily since March 2020. The self-taught artist uses found materials such as vintage papers, text and typography to create a bird's-eye view of urban and rural landscapes.

"I think of my paintings as landscapes of my inner world," Katz wrote in her artist's statement. "The work isn't meant to be literal, but instead is influenced by memories of places I've been and experiences from the life I've led."

Gallery owner Victoria Kennedy has held positions at traditional brick-and-mortar galleries including Berggruen, San Francisco, and Gallery MAR, Park City, as well as online art gallery Saatchi Art.

She opened the 990-square-foot gallery space in January 2021 under COVID-19 restrictions. The gallery works with emerging and established artists. It also represents several local artists such as Katz,



Photo courtesy Lauren Cate Photography

GALLERY OWNER Victoria Kennedy opened Kennedy Contemporary in Newport Beach in January 2021.



ELYSE KATZ is a local artist who started working in fine arts over two decades ago.

Chris Gwaltney and Heather Zusman.

IF YOU GO

What: "Silver Lining"
Where: 2043 Westcliff Drive, Suite 102, Newport Beach
When: Thursday through June 20; reception with Elyse Katz Thursday, 4 to 7 p.m.
Cost: Free
Info: (714) 519-6297; kennedycontemporary.com

The gallery's grand opening is scheduled for Thursday at 10 a.m., and a reception with Elyse Katz starts at 4 p.m.

— From staff reports

A SHOT of Katz's "Note to Self," "Peekaboo," and "Growing Pains," which were created in 2020.



Photos courtesy Irvine Animal Care Center

IRVINE'S SUPER Pet Adoption event on June 6 will feature more than 150 adoptable pets.

Super Pet Adoption event brings together rescue groups and vendors

The Irvine Animal Care Center will host its 15th annual Super Pet Adoption event on June 6 with more than 150 adoptable animals.

This year the event will be held outdoors at the Irvine Animal Care Center to ensure social distancing. The event will feature local pet rescue groups, shelters and pet-related vendors such as Avian Underdogs Rescue Assn., Beagles and Buddies, Recycled Love Dog Rescue, Long Beach Spay and Neuter Foundation, Bailey's CBD and PetSmart.

"Making sure pets in need continue to find homes during COVID-19 has been important to the City, and we've been proud of our efforts to keep animal adoptions safe and accessible over the past year," said Irvine Mayor Farrah N. Khan in a statement. "We're excited to continue this work and offer the community an opportunity to support adoptable animals at this year's Super Pet Adoption event while still adhering to all health guidelines. We look forward to finding homes for our many four-legged friends this June."

As a response to COVID-19, the center has been closed to the public for drop-in services since March 2020 and continues to operate by in-person appointments only.

"There has been a downward trend in population at animal shelters nationwide since the start of the pandemic, which the center has also experienced," said Catherine Lovella, volunteer program supervisor, via email. "The center has seen an increase in animals with the start of kitten and puppy season."

Advance tickets to the event are required.

— From staff reports

IF YOU GO

What: 15th annual Super Pet Adoption
Where: 6443 Oak Canyon, Irvine
When: June 6, 10 a.m. to 3 p.m.
Cost: \$5 per person; free for kids 13 years old or younger
Info: (949) 724-7740; irvineanimals.org



THE ANIMAL center has seen an uptick in animals with start of kitten and puppy season.

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The state of what's next. **Los Angeles Times**



Kevin Chang | Staff Photographer

A HISTORIC World War II hangar facility is shown at the Orange County Great Park.

MUSEUM

Continued from page R1

commander, Aguilar is hopeful that a Marine aviation museum at the Great Park will not only help veterans reconnect with their service but also educate future generations to appreciate the technology and sacrifice that allowed Marines to fly into combat.

"The military is a significant part of the Southern California fabric," Aguilar said. "More importantly, this museum is able to reach out and inspire the next generation."

Irvine could provide a refuge for more than 48 aircraft that were at risk of being shipped off the boneyard earlier this year.

The collection includes the Sea Knight CH-46 helicopter used to evacuate Ambassador Graham Martin from the rooftop of the U.S. Embassy in Saigon on April 30, 1975. Aguilar anticipates it could take eight months to relocate the retired aircraft fleet from Miramar.

Retired Reserve Marine Corps Col. Victor Bianchini, chairman of the Flying Leathernecks Board of Directors, has teamed up with Aguilar to approach private funders who pay for the preliminary retrofit of Building 296, transporting

the aircraft, and a complete renovation.

The entire project is estimated to cost at least \$23 million.

Upon hearing the plight of the Flying Leathernecks, Irvine Mayor Farrah Khan said she immediately believed a Marine aviation museum would be an ideal addition to the Great Park.

"El Toro has been here a long time so it's fitting that the museum would come back," she said. "We want to make sure the next generation understands the [service members'] sacrifices and respect them."

Irvine Councilman Anthony Kuo attended the El Toro Air Show while growing up in Irvine.

"To be able to bring back a piece of that history is an honor," he said.

Orange County congressional members have also thrown their support behind the project.

A March 31 letter signed by Rep. Katie Porter (D-Irvine), Rep. Michelle Steel (R-Seal Beach), and Rep. Lou Correa (D-Santa Ana) urged the Marine Commandant to delay dismantling the museum's collection.

"Marine Corps aviation is an important part of our local history, with such storied bases as the former MCAS Tustin and MCAS El Toro and area natives like WWII Marine fighter ace

John Lucian Smith," the representatives wrote. "As such, the museum should stay in Southern California."

Robert Olds, 90, of Newport Beach is among the thousands of military veterans living in Orange County who remember the roar of Marine jet sorties at El Toro. He flew P-3 Orion patrol aircraft as a naval aviator and served as commanding officer of the fleet oiler USS Hassayampa.

With the Irvine City Council set to vote on a site for the Irvine Veterans Cemetery as early as next month, Olds said the Great Park would also offer a central location for the aviation museum.

"The two of them would tie together very nicely," Olds said.

In 1996, Olds attended a meeting of the local squadron for Assn. of Naval Aviation at the Flying Leathernecks' original museum at El Toro.

The World War II-era hangar was right on the flight line, and pilots would taxi their aircraft up to the museum and let the veterans get a closer look.

"They were just a very nice part of keeping the history of aviation alive," Olds said.

DANIEL LANGHORNE is a contributor to TimesOC.

FORCE

Continued from page R2

ties.

“The way in which OCSD supervisors treated such a high-risk unauthorized use of force indicates that OCSD should amend its force policy to clearly state, in writing, that supervisors should forward unauthorized uses of force and force that is potentially deadly to Internal Affairs,” the report says.

“By declining to forward the incident to Internal Affairs and by merely requiring training, OCSD minimized the severity of this unauthorized force, limited the extent of the investigation of the incident, and foreclosed any discipline.”

LATE, INCOMPLETE REPORTS

The report also says that the OIR identified 56 use-of-force reports that were filed late, including one which was filed 41 days late.

The finding led the OIR to infer that about 21% of the force packets between January and October 2020 contained one or more late force reports.

The International Assn. of Chiefs of Police states that force reports should be filed no later than the end of a police officer's shift. The longer an officer waits to file a report can lead to memory issues and “hindsight bias,” the OIR report says.

The report describes one specific example where use of force went unreported. On March 9, 2020, a deputy in a county jail elbowed an inmate in the back of the head while attempting to handcuff the inmate with the help of another deputy.

The deputy who hit the inmate failed to bring the inmate to medical staff for an examination, and he did not notify a supervisor of the incident. Instead, the inmate was returned to his cell.

The OIR report says that about five minutes later, another deputy walked by the inmate's cell and saw him hanging with a piece of fabric around his throat in what was described as an attempted suicide.

A supervisor then asked the deputy who hit the inmate whether any force had been used against the inmate, but the deputy denied that any force had occurred. Later, the deputy filed a report describing the blow to the head, the report says.

Similar to the other two incidents mentioned in the report, supervisors who reviewed the in-



Scott Smeltzer | Staff Photographer

O.C. SHERIFF'S Department headquarters and O.C. jails are located at 550 N. Flower St. in Santa Ana.

cident did not report the matter to Internal Affairs and decided that the deputy only needed counseling on the duty to report uses of force in a timely manner.

The supervisors did not cite the deputy for failing to bring the inmate to medical staff.

The failure to file use of force reports on time draws parallels with the evidence mishandling scandal that the Sheriff's Department has been embroiled in over the last few years.

Orange County sheriff's deputies were found to have booked evidence late or failed to book evidence at all but subsequently lied about it in reports.

“The timely reporting of force is a hallmark of law enforcement best practices,” the report says.

When reached for comment this week and asked directly about the contents of the OIR report, the Sheriff's Department provided a statement without addressing any of the use of force issues.

“The Sheriff's Department has a cooperative working relationship with the Office of Independent Review,” Sheriff Don Barnes said in an emailed statement.

“They review our practices and procedures and make recommendations. We take their recommendations into consideration and make adjustments to department protocols, as appropriate and consistent with best law enforcement practices. The Sheriff's Department and OIR share a common goal of providing safe law enforcement services to the residents of Orange County and we work together, effectively and collaboratively, to achieve that

goal.”

Four of the members of the county Board of Supervisors did not respond to requests for comment on the document. A spokesman for board Chairman Andrew Do said he was unavailable for providing comment or an interview.

Sergio Perez, executive director of the OIR, responded to a request for comment with an emailed statement.

“The Office of Independent Review does not acknowledge or discuss confidential reports it may issue regarding any of the agencies it oversees,” Perez said.

“My office continues to work to ensure the justice-related agencies within our jurisdiction operate in a transparent manner that ensures the lawful, equitable and just treatment of all members of the Orange County community. We are currently completing a comprehensive, public report related to the use of force of the Orange County Sheriff's Department and plan to release it soon.”

POLICY DEFICITS

The OIR report specifically identifies a few glaring issues with the Sheriff's Department's use of force policy, which may have contributed to the three highlighted force incidents.

The report says that one problematic area of the department's policy is that it allows the use of unauthorized force, which allows deputies to use force, when reasonably necessary, that they haven't received any training or guidance on.

The OIR report says the policy may increase the likelihood that a

deputy's response to a situation causes injury or death, which “means more risk—for the County, the deputies at issue, and the public.”

Another issue is the department's reliance on policy standards that are not written down. In conducting initial reviews of force incidents, the report says that the Sheriff's Department relies on “unwritten protocols,” which could lead to lapses in execution.

The OIR report says that a member of the Sheriff's Department's executive staff said that supervisors must refer incidents to Internal Affairs if they suspect a deputy of using out-of-policy or unlawful force.

Incidents of deadly force that don't involve a shooting can also be referred to Internal Affairs. However, these standards are not in writing, the report says.

The Sheriff's Department also doesn't have any written protocols governing how division commanders investigate uses of force, which likely contributes to why so few force incidents are referred to Internal Affairs, the OIR report says.

Last year, more than 98% of use of force reviews were handled within a division and did not result in any discipline. These division reviews are generally less intensive and don't always include interviews with involved deputies or witnesses to the incident.

“A failure to refer such matters to Internal Affairs minimizes the severity of such force, ensures that the complexity of the investigation will be limited, and removes the possibility of discipline,” the OIR report says.

The lack of referrals to Internal Affairs may also skew the department's data on force incidents.

The OIR report says that the Sheriff's Department's S.A.F.E. Division, which tracks use of force trends, categorizes all force incidents not referred to Internal Affairs as “within policy.” However, the OIR report shows that supervisors don't always refer cases to Internal Affairs if an act is deemed “out of policy.” This skews the data compiled by the S.A.F.E. Division.

“As a result, S.A.F.E. wrongly concluded that 98.1% of all use of force incidents were within department policy, because it failed to include any of the incidents highlighted here ...” the OIR report says.

RECOMMENDATIONS

The OIR report provides a number of recommendations for the Sheriff's Department to shore up its use-of-force and late reporting issues.

The report says the use of unauthorized force should be eliminated because it “increases the likelihood that avoidable and regrettable use of force techniques — that could result in serious bodily injury or death — will occur.”

If the department is unwilling to bar unauthorized force, then it should revise its policy to limit its use to only extreme circumstances, the report says.

In response to the department's failures in referring problematic incidents for investigation and potential discipline, the report also suggests new protocols for the Sheriff's Department to adopt to clearly identify force incidents that must be referred to Internal Affairs.

According to the OIR report, these instances should include any use of force that is potentially unauthorized, out of policy or unlawful. Considering the number of late force reports that were filed, the OIR report also recommends that the Sheriff's Department “consider more widely auditing its force reporting and assessment practices to ensure that they align with its policies.”

Lastly, the report suggests that the Sheriff's Department should consider establishing metrics to track the effectiveness of its policies and training.

The report also says that the Sheriff's Department should post the annual S.A.F.E. report on its website so the public can view it.

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RESPONSE

Continued from page R2

to-reach areas, an issue that challenged efforts to educate residents in hard-hit cities and hindered access to testing and, later, vaccines.

Additionally, the 19-member grand jury noted that some of the county's stockpile of personal protective equipment was expired when the pandemic hit, and its durable medical equipment had not been maintained and needed substantial repair.

Furthermore, the Orange County Health Care Agency was understaffed.

When faced with shortages, rather than hire more people, the county opted to borrow employees from other divisions and train them to help with COVID-19 — a situation the grand jury says led to execution problems and errors.

But Orange County wasn't the only place in Southern California to struggle with adapting to the reality of the swift-spreading virus.

A shortage of trained staff was a major hurdle for counties across the region, officials said.

In San Bernardino County, officials quickly learned the demands of the pandemic required more effort than their public health department could handle. They tapped other county departments, including the library and

public defender's office, to assist.

“Ordinarily when it comes to enforcing health orders, there's a few people within the county that do that. When suddenly you have these sweeping state orders to close down businesses and launch a huge testing program, there's no way the existing staff could do that,” county spokesman David Wert said.

Los Angeles County health staffers also have felt the strain of maintaining a large-scale response for more than a year. For months, staff didn't take vacations, and some didn't have days off.

That's continuing in some departments because the county has a limited number of people who have the level of expertise needed to manage such a massive response, L.A. County Public Health Director Barbara Ferrer said.

“If there's one positive that may come out of this, I think it's recognizing that public health departments need to be better staffed in the first place so that they are actually able to appropriately respond when these emergencies happen,” Ferrer said.

The grand jury also admonished Orange County for its failure to quickly translate information about the deadly coronavirus, including testing resources, into languages other than English.

While nearly half of the county's 3.2 million resi-

dents speak a language other than English, information about testing sites wasn't translated for most of 2020, according to the grand jury's report.

“This limited Orange County Health Care Agency's capability to effectively communicate with all residents, especially in the hot spots of Orange County, contributing to the spread of COVID-19,” the report said.

Supervisor Katrina Foley, who was mayor of Costa Mesa when the pandemic began, experienced firsthand a response from the county she said was just not helpful.

It was challenging to get city-specific information, and it was clear the Health Care Agency didn't have the funding and resources it needed, she said.

“I think there's been a lot of progress made in the last two or three months, but it's clear that our healthcare agency was not sufficiently staffed and ready to handle this type of crisis,” she said. “We have to do a better job preparing for the future.”

“The federal response to the pandemic was certainly not appropriate, and at the beginning, the county's response mirrored the federal response,” Foley added. “That delayed our ability to keep people from spreading the virus, and we've been playing catch-up ever since.”

HANNAH FRY writes for the Los Angeles Times.



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