

Investigation finds glaring issues with some of Sheriff's Department's methods, training

THE ORANGE COUNTY
Sheriff's Department headquarters in Santa Ana.



Scott Smeltzer
Staff
Photographer

The first public report by the Office of Independent Review states that use-of-force policies lack clarity and deputies are filing late or incomplete force reports, while training instructors have spread bias and endorsed violence.

BY BEN BRAZIL

The Orange County Sheriff's Department's use-of-force policies lack clarity, potentially risking the safety of the public and exposing the county to liability, according to a report from a county oversight agency.

The first public report by the Office of Independent Review also found that deputies are filing late

or incomplete force reports, and training instructors have spread bias and endorsed violence.

The OIR oversees the county's Sheriff's Department, district attorney's office, public defenders office, probation department and Social Services Agency. The small agency consists of executive director Sergio Perez and investigations manager T. Jack Morse, Jr.

Perez was appointed to the role

last year after the office sat vacant for some time following several controversial years under two prior directors. The latter were criticized for being ineffective and maintaining too close of a relationship to the Sheriff's Department.

Perez announced in early September that he would be probing

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ALBERT LOPEZ JR. is an exhibiting artist at Crear Studio with his exhibition "¡El baile del dólar que nunca tuve!" (The dollar dance that I never had). Lopez stands in front of his piece titled "Dr. Bruce Banner."

Scott Smeltzer | Staff Photographer

Crear Studio hopes to give O.C. artists of color a home

BY GABRIEL SAN ROMÁN

A new gallery awaited people strolling the streets of downtown Santa Ana in August as the city's monthly art walk reawakened from its long, pandemic slumber. Around the corner from the Artists Village, Crear Studio gave those passing by a glimpse into its ambitious vision.

Sarah Rafael Garcia, the studio's gallery director, pulled a drawstring and slowly raised a curtain from inside its quarters. Neon green lights affixed to an installation wall beamed through the window and revealed a sneak peek of Santa Ana artist Albert Lopez Jr.'s upcoming exhibition "¡El baile del dólar que nunca tuve!" (The dollar dance that I never had).

After a few hours, the curtain drew back down by art walk's end, but the work of Crear Studio's grander

reintroduction to the Orange County art scene had only just began.

"We are local artists who want an opportunity to do art," said Garcia from a desk inside the studio's humble space. "In Orange County, in general, local artists are definitely overlooked. On top of that, people of color are overlooked even though we are the majority. For this space, what brought us together is art, what keeps us together is community and now we are a gallery."

Garcia, an author and founder of the downtown Santa Ana LibroMobile bookstore, first envisioned the need for such a space when returning home from Austin, Texas, in 2016 to commence a stay as an artist-in-residence at Grand Central Art Center.

"Knowing the history of that space as a catalyst for gentrification, I had a very guilty feeling," Garcia admitted about her residency. "Why do I get this privilege and not everybody else in the community?"

Together with local artist Dino Perez, Garcia founded Crear Studio in 2017 with the hopes of providing opportunities for other artists and writers in the community. Its first incarnation began in Grand Central Art Center's basement.

Artists taught workshops and an art collective sprung forth from the effort, but Crear Studio never hosted exhibitions despite asking to. That was a privilege reserved for spaces above the basement.

"Literally and metaphorically, the biggest dilemma was holding the door open," Garcia said. "We didn't actually provide efficient access to the community we were trying to serve."

And then the pandemic shut Crear Studio's doors —

See **Artists**, page R3

DISNEY'S HOTELS ARE BACK IN BUSINESS. A UNION FIGHTS FOR WORKERS LEFT BEHIND

As unemployment and health benefits begin to run out, Unite Here Local 11, representing 2,700 workers, wants the company to bring back more members.

BY GABRIEL SAN ROMÁN

Jane Parker felt overjoyed when she returned to the Disneyland Hotel last January to work for Disney Dining.

The service helped tourists and locals secure restaurant reservations throughout the Disneyland Resort's hotels, theme parks and Downtown Disney shopping center. Parker survived a health scare before being able to answer those calls again as a phone reservation agent, a job she's held for the past 14 years.

Diagnosed with cancer, Parker underwent surgery, chemotherapy and radiation treatments before putting her condition in remission during a nearly yearlong medical leave.

Back on the job for a few weeks, she attended to the needs of callers before another health scare — this time a pandemic — quieted the lines for good.

After 15 months of closure on account of the coronavirus, the Disneyland Hotel finally reopened to guests on July 2, but the company decided to eliminate Disney Dining.

While more than half of the resort's workforce has been recalled, Parker doesn't have a department to return to anymore.

She faces an uncertain future that is poised to see both her federally enhanced unemployment benefits and subsidized COBRA health coverage end next month.

"I was just getting to a point where I didn't have to decide

whether to buy food or medicine for the week," said Parker of pre-pandemic times. "Losing health insurance, at this point, would be devastating."

Parker isn't alone.

Furloughed and laid-off workers at the Disneyland, Paradise Pier and Grand Californian hotels have tried to navigate through hope, fear and confusion amid phased reopenings.

"Disney has chosen to slash entire departments and services, some of which shocked us," said Austin Lynch, a union organizer with Unite Here Local 11.

"They permanently closed Steakhouse 55 and room service at Disneyland Hotel as well as the

See **Disney**, page R2



Kevin Chang | Staff Photographer

A SCOOTER rider cruises by the Disneyland Hotel marquee in Anaheim. Disney's trio of hotels are back in business this summer, but hundreds of furloughed and laid-off workers are anxiously awaiting a return to their jobs.



Photos by Kevin Chang | Staff Photographer

A NURSE PREPARES to administer a COVID-19 vaccine to a woman in Huntington Beach earlier this year.

Studies identify social, racial disparities in Orange County during first COVID-19 surges

BY BEN BRAZIL

Orange County residents from ZIP Codes with higher-density households, lower education and less insurance coverage were more likely to be infected by and die from the coronavirus that causes COVID-19. Asian residents were also more likely to die from the virus than whites, and men, the elderly and Latino people were more likely to be diagnosed with COVID-19. A recently published UC Irvine study reveals these racial and social disparities in infection and mortality rates during the first surge of the pandemic last summer. Researchers used data on COVID-19 testing and mortality rates from the Orange County Health Care Agency from March 1 to Aug. 16, 2020.

The researchers also conducted a survey from July 10 to Aug. 16 last year, largely encompassing the first surge of the virus. UC Irvine received help in collecting antibody data — which indicates a history of exposure to the virus — from the healthcare agency from people at 11 drive-through sites in the county. Researchers found that even after controlling for socioeconomic factors — like living in low-income neighborhoods — Latino people had 1.7 times more chance of testing positive for the virus than white people. Daniel Parker, UCI assistant professor of public health and an author of the study, also pointed out that risk factors for infection shifted. Cases were initially clustered in affluent coastal areas, but eventually became more concentrated in north and central Orange County. Santa Ana and Anaheim, with their high Latino populations, have taken the brunt of the pandemic in the county. Santa Ana accounts for 47,321 of the county's 281,609 cases. Anaheim has the next highest case count with 45,063 cases. "What it does tell us is that it can shift really fast," Parker said. "I know from some of the analyses I've been doing that we're seeing infections in much younger people — it's more common to see younger people in the hospitals and also in reported cases. So, the lesson is that these socioeconomic factors are really im-



PEOPLE WAIT to receive a dose of a COVID-19 vaccine at Soka University.

portant drivers of the epidemic." Parker said hateful incidents and rhetoric directed at the Asian community may have led to fewer Asian people seeking a medical diagnosis. During the first wave of the virus and until he was voted out of office, former President Donald Trump railed on the "China virus." During the pandemic, hate incidents increased against the Asian community. "So maybe if you're Asian and you're feeling sick, you're going to wait a little bit longer to get diagnosed because there's a lot of stigma around this," Parker speculated. "What this means is you have less on average being diagnosed, but the deaths are still happening. So it wouldn't necessarily be that there's a biological reason that Asians are higher risk of death. It's just among those who tested positive, were more likely to die at this time anyways, during the first wave." Following Parker's study, UC Irvine partnered with the city of Santa Ana for a more in-depth look at the city's COVID-19 infection rate during the infant weeks of the massive winter surge. That study was led by Bernadette Boden-Albala, the director of UC Irvine's Program in Public Health. The Santa Ana study was unique because it focused on households, including children. In the past, research into COVID-19 centered on adults, as many believed children

were less likely to catch the virus. This belief was refuted during this summer's third surge, with young people accounting for a majority of the cases in Orange County with the spread of the Delta variant. "We really wanted to look at why was there this high burden community — what was this really about," Boden-Albala said of Santa Ana. "So I think we really got into the heart of a community with a lot of COVID to find what really happened." Researchers found that the community was hit particularly hard because many residents were considered essential workers and had to continue to go into work rather than working virtually from home, increasing their chances of exposure to the virus. Many households in Santa Ana are also higher density with multiple people living in them, which can increase the chances of spreading the virus. Being Latino also increased one's chances of getting sick. "A lot of this suggests that the policy to stay home, while good and protected a lot of people overall, didn't really protect essential workers," Boden-Albala said. "So essential workers ended up with the greatest burden of disease." Parker and Boden-Albala said it's important for the county and cities to utilize community-based organizations to bring treatment to the

See **Disparities**, page R4

County Board of Supervisors rejects proposed settlement of harassment claims

The allegations were lodged against Gary LoGalbo, a retired senior prosecutor for the D.A.'s office.

BY CITY NEWS SERVICE

The Orange County Board of Supervisors on Tuesday rejected a proposed settlement and voted to hire an outside law firm to defend the county against sexual and racial harassment claims lodged against Gary LoGalbo, a retired senior prosecutor for the Orange County district attorney's office.

The supervisors met in closed session on the proposed settlement put forth by the county's risk assessment team, as they did at the Aug. 10 meeting, then announced that they have directed the county counsel's office to hire Sheppard Mullin, with attorney Tracey Kennedy assigned to lead the defense of anticipated litigation.

Eight claims of harassment were previously filed regarding LoGalbo, who was best man at the wedding of Orange County District Atty. Todd Spitzer, who has downplayed his friendship with LoGalbo since the scandal.

The county counsel's office released a 162-page report in May on the claims. The internal probe ordered by the county counsel's office in December was prompted when a district attorney's office employee who was leaving his job made a remark the first week of November about alleged inappropriate behavior by LoGalbo and whether anything would be done about it.

Then, the Orange County Attorneys Assn., which represents prosecutors and public defenders, made a formal request on Nov. 10 as to whether there had been any sexual harassment claims made regarding LoGalbo, who was Spitzer's roommate for a time.

The internal report, which was prepared by attorney Elisabeth A. Frater,

concluded that "the allegations of discrimination against LoGalbo are sustained" and that "derogatory comments made by LoGalbo were motivated by racial, ethnic or national origin animus and bias, and also constituted harassing conduct as defined by" the county's policy.

Frater, however, rejected allegations that the district attorney's office failed to promptly investigate and remedy LoGalbo's act of harassment.

It took 35 days from when the departing employee made the remark about LoGalbo on the way out the door and when he was placed on administrative leave, Frater said.

LoGalbo immediately announced his retirement.

The report ultimately concluded there was not enough evidence to substantiate a claim that Spitzer retaliated against one of the women who complained of harassment because Spitzer ultimately signed off on a positive review of her employment, which allowed her to clear probation and become a permanent employee.

Frater, however, doubted Spitzer's and his public information officer's account of a meeting with one top prosecutor regarding whether the employee should be "written up" for an email she sent to human resources about fear of participating in an inquiry because she thought it left her vulnerable to dismissal.

The report provides numerous accounts from multiple witnesses regarding lewd and inappropriate sexual and racial comments allegedly made by LoGalbo.

Some of the more explosive allegations involve claims that LoGalbo had a "foot fetish" and had hung up in the office of another prosecutor a stress-ball that resembled a "sperm."

The object was produced as an advertisement by a company the office was doing business with regarding DNA testing.

See **Claims**, page R3



Kevin Chang | Staff Photographer

ORANGE COUNTY Dist. Atty. Todd Spitzer speaks during a news conference for the Orange County Human Trafficking Task Force 2021 Victim Report earlier this year in Anaheim. He has downplayed his association with Gary LoGalbo, a retired senior prosecutor accused of harassment.

DISNEY

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entire food and beverage operation at Paradise Pier Hotel."

Unite Here Local 11 represents 2,700 workers at Disney's hotels and continues to bargain with the company to bring back more of its members.

"At the same time, we are questioning whether it was proper to close these departments," Lynch said. "Is it really true that the whole function of Disney Dining was eliminated? We're not convinced of that."

The union's collective bargaining agreement secures recall rights for furloughed workers, but Lynch is also hoping to find common ground on prioritizing laid off workers for available positions.

He estimates that about 50 hotel workers have been reassigned from 300 terminated jobs, so far.

After more than 400 days of closure, the Disneyland Resort continues to bring workers back during its phased reopenings while also maintaining health insurance benefits for furloughed employees who



Kevin Chang | Staff Photographer

THE PCH GRILL restaurant within Disney's Paradise Pier Hotel is permanently closed.

haven't yet been recalled. "We are proud to have returned more than 19,000 cast members, and are hiring hundreds each week," a Disney official said in a statement provided to TimesOC. "We are prioritizing laid-off cast members with access to recruiters for other employment opportunities."

Nicole Werner worked as

a room service captain at the Disneyland Hotel before the shutdown. With room service having being eliminated, she received a letter from the company earlier this month with a link and instructions on how to apply for available positions. "At this moment, I've applied for four different positions," Werner said. "With all these different jobs

opening, how hard is it to just plug us in instead of having to go through the entire recruitment process? It's frustrating."

Two of the positions Werner applied for are no longer available.

With federally enhanced unemployment benefits ending Sept. 4, all that's certain is that she misses the magic of guest interactions.

"I don't know what the future looks like," Werner said. "I even told my daughter that October will be really tight for us if I don't find a job."

The Coalition of Resort Labor Unions, which represents 17,000 Disney workers across various unions, organized an Aug. 5 protest in Anaheim calling on the company to restore jobs throughout the resort and provide higher wages.

Whether recalled or not, about a hundred of Disney hotel workers protested together in hopes of drawing attention to the issues affecting them but felt the message got lost in the mix of media reports on a larger contract fight with Disney by the bigger unions.

"It felt good to be in solidarity," said Parker, who attended and spoke at the rally. "The other unions were looking for higher wages but that wasn't our story. We just want our jobs back."

For 14 years, Parker reliably answered phone calls in helping families plan dining destinations during their stays at the Disneyland Resort.

She's lost hope that one day the company will call

and ask her to return to her former position.

Without many immediate options, especially as an older worker, she's seeking to be reassigned.

Parker recently interviewed for a position as a reservation agent with the Walt Disney Travel Co., one of the few jobs available where her Disney Dining experience is comparable.

But not much else would transfer alongside her skills.

If hired, Parker would become a "casual regular," or part-time worker in Disney parlance.

She wouldn't enjoy the same rate of pay, health benefits or union representation once had while being expected to be fully available for shifts as they come.

"I'll be starting where I did 14 years ago," Parker said.

"It's very scary at my age to think about starting over and not having health benefits. I need to be insured because who knows what can happen. But I have to take this job if offered because unemployment insurance is ending."

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ARTISTS

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but not for good. The economic hardships brought by stay-at-home orders hollowed out several downtown Santa Ana store fronts. Garcia started searching for the studio's new, independent home this year and found a space along Fifth Street and Broadway. Her husband and father-in-law helped transform the brick building with arched wood ceilings into a bona fide art gallery ready for its first exhibit. Given Crear Studio's mission of being space for local artists of color, Lopez, a painter, sculptor and installation artist, came immediately to mind as a way to emphatically set the tone.

"I never planned to ask Lopez for an exhibition because I knew I couldn't afford him," Garcia said, "but when I saw the walls being constructed, he was the only person I thought deserved to be recognized and set a precedent for those who'll come after him."

The two have known each other for years and traded ideas about the arts in their hometown. Lopez pointed Garcia to the Underground Museum in South Los Angeles for inspiration about what she hoped to accomplish in Santa Ana. Now that Crear Studio is a gallery primed for exhibits, he's inaugurating the space with his artwork.

A showing of past and present pieces, "*¡El baile del dólar que nunca tuve!*" is an homage to Santa Ana, a city where Lopez grew up working-class to immigrant parents but has rarely had the opportunity to exhibit in.

"I haven't had a survey show in the past 25 years in my own town," he said. "I've done projects in Santa Ana, but they've never been in the context of a gallery that's been here. I was being more supported in Los Angeles."

For opening night, the exhibit will feature a performance art piece with a



Photos by Scott Smeltzer | Staff Photographer

CREAR STUDIO in Santa Ana founder Sarah Rafael Garcia said, "We are local artists who want an opportunity to do art."



THE CREAR STUDIO is set to open a show called "The Dollar Dance I Never Had" on Sept. 4.

twist on the dollar dance that was popular at family weddings that Lopez attended during his upbringing. "Instead of people giving me money, I want them to take money off my tuxedo," he said. "We want people to engage in this cultural experience within the context of a gallery."

As for those neon green lights that served as sneak peek?

The arrangement seems simplistic but speaks to the depth of a future art proj-

ect Lopez is working on. "The lights are set up in the formation of the Santa Ana Jail window lights," he said. "I was always so fascinated with the directness of that style of brutalist architecture. As I got older, I found myself being repulsed by the actual building itself, not with the individuals but what it represents to me in the city that I live in."

Deemed "Dr. Bruce Banner," the installation glows green in metaphorical honor of the Incredible

Hulk — and Santa Ana. "Society sees him as a monster," Lopez explained. "It's like looking at my own community and the profiling that has occurred here."

Another piece from a past show features a colorful encased piñata stick. A fixture of children's parties, piñata bashing came to be described in violent terms in some media outlets when the likeness being whacked was former president Donald Trump during

protests. It's another stereotype in need of an artistic elixir.

In both the walls and the art within it, Crear Studio exalts Santa Ana as its muse in that effort. After Lopez's exhibit, the next show, "*La Maestra*," is slated to be dedicated to teachers who've shaped local artists and writers. Future programs plan to be in Spanish as much as possible. Garcia's gallery also hopes to sound a clarion call to O.C.'s other, bigger art institutions.

"I don't know who the artists 20 years ago were in Santa Ana," she said.

"They weren't being shown at Bowers Museum, Grand Central Art Center, Orange County Museum of Art, Muzeo or at Muckenthaler. Let's change our potential by reflecting what we want to see more of!"

¡El baile del dólar que nunca tuve! opens Sept. 4 at Crear Studio, 222 W. 5th Street, Santa Ana. 6 to 10 p.m., and runs through Oct. 7. An artist talk and reception is slated for Sept. 23 at 6 p.m.

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CLAIMS

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In one instance, when a discussion occurred in the office about several prosecutors going on maternity leave, LoGalbo allegedly said, "You ladies need to duct tape it up," according to the report.

In another discussion about an attorney who is Muslim, LoGalbo allegedly referred to him as a "terrorist," and also, on other occasions, said how it was appropriate that an Asian prosecutor would be taking a case regarding an Asian defendant, according to the report.

LoGalbo was also accused of joking he would put a men's pornographic magazine on the desk of Assistant Dist. Atty. Shawn Nelson.

Some alleged he inappropriately touched them, and one employee said he would ask her to sit in his lap, according to the report, which said several of the women said they were warned about LoGalbo being "a perv," with some telling investigators they tried to laugh off the outrageous comments or would roll their eyes in a way to let him know it was not acceptable behavior.

One woman broke down in an interview with a human resources executive in the D.A.'s office because she felt ashamed for not coming forward sooner, according to Frater.

In a Dec. 30 interview with Frater about the harassment claims, LoGalbo said he first met Spitzer in 1990, but then refused to discuss his relationship between the two, the attorney wrote.

LoGalbo said, "I had to deal with a difficult, a couple of difficult employees unfortunately, which is what led to this whole thing," according to Frater's report, which also says he claimed two accusers fabricated the present allegations against him as a result of their own work-performance issues."

Many of the women said LoGalbo was a good boss

*See **Claims**, page R4*

STATEWIDE RECALL ELECTION UNDERWAY.

VOTE NOW!

The Statewide Gubernatorial Recall Election is underway, now through September 14.

VOTE AT HOME OR IN-PERSON:

- **At home**, using the ballot you received in the mail. Return your ballot at secure Drop Boxes throughout Orange County OR at any official Vote Center OR through the mail.

OR

- **In-person** at any of 64 Vote Centers throughout Orange County. Vote Centers are open Sept. 4 – 14

TWO QUESTIONS ON THE BALLOT:

1. Recall (remove) Governor Newsom?
Vote Yes or No.
2. If Governor Newsom is removed, who should replace him?
You can vote on this question no matter how you vote on the first one.



ORANGE COUNTY REGISTRAR OF VOTERS

For Vote Center locations and hours and Drop Box locations, visit [OCVOTE.GOV](https://ocvote.gov)

For info on accessible voting, visit [OCVOTE.GOV/RAVBM](https://ocvote.gov/ravbm)

Performing arts venues in Orange County announce new vaccination, mask mandates

BY GABRIEL SAN ROMÁN

Patrons looking to enjoy a concert or a play at several major performing arts venues across Orange County are now going to need more than just a ticket for admission.

With O.C. having experienced another summer surge of COVID-19 infections and hospitalizations, Arts Orange County, a nonprofit countywide arts council, announced a joint commitment by eight venues to new safety protocols, including requiring proof of vaccination and indoor masking.

Participating organizations include the Irvine Barclay Theatre, Musco Center for the Arts, Pacific Symphony, Pacific Chorale, Segerstrom Center for the Arts, Soka Performing Arts Center, Philharmonic Society of Orange County and South Coast Repertory.

The new mandates will be in effect for the foreseeable future and will be assessed with the course of public health during the pandemic going forward.

“The most effective way to reduce transmission and remain healthy is by following procedures, including vaccination, and wearing a mask,” said Jerry Mandel, president of the Irvine Barclay Theatre, in the Arts Orange County news release. “This policy will offer clarity and reassure all ticket holders that we



JEANNE FRANCO, center, and other participants work on choreography from Chicago during a Tuesday night dance class in March at the Segerstrom Center for the Arts Argyros Plaza in Costa Mesa.

take their safety seriously.”

Irvine Barclay Theatre’s schedule of upcoming events under the new policy, which begins on Sept. 1, includes a staging of C.S. Lewis’ “The Great Divorce” as well as concert performances by Jake Shimabukuro, the Wailin’

Jennys and Michael Feinstein. Eventgoers are required to provide proof of vaccination through a digital record, physical card or a photograph of one.

Children between 3 and 12 years of age who are currently ineligible to receive a vaccine

may be admitted but must wear a mask indoors at all times.

In a separate news release, the Segerstrom Center for the Arts noted that its vaccine requirement also extends to performing artists and that “fully vaccinated” is defined as 14 days af-

ter having received the second shot of a two-dose vaccine such as Pfizer or Moderna or the same time period after a single dose of Johnson and Johnson one.

“The success in reopening live performing arts venues lies heavily with everyone,” said Casey Reitz, president of the Segerstrom Center for the Arts, in a statement.

“Having a fully vaccinated audience ensures a safe environment. Everyone plays an important role, not just on stage, but in the audience. We are excited to raise the curtain again!”

Ahead of hosting several Broadway shows in the fall, Segerstrom Center for the Arts touts additional safety protocols that include improved air quality, touchless hand-sanitizing stations and rigorous cleaning.

While committing to the new mandates collectively, each venue has its own set of policies that vary from each other.

At Segerstrom Center for the Arts, adults who haven’t been vaccinated can provide proof of a negative COVID-19 PCR test taken at least three days before an event and still be allowed inside, but they must wear masks.

Anyone who fails to comply with any of the safety measures won’t be allowed inside.

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TimesOC

A Times Community News publication serving Orange County

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COMPANY INFO

TimesOC is published
Sundays by Times
Community News, a division
of the Los Angeles Times.
Subscriptions are available
only by subscribing to The
Times, Orange County.

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CLAIMS

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otherwise, according to Frater’s report.

Spitzer insisted in his interview with Frater that if he had known about the allegations, he would have gotten rid of LoGalbo as soon as possible.

One accuser sent a letter to Frater on Jan. 15 in response to a request for an interview, saying she was afraid to participate because she feared losing her job. She was on probation at the time as a new hire.

The man visiting this harassment upon us is not only a friend of the elected district attorney, but he was actually the “best man” at his wedding,” she wrote in the email to Frater.

“Imagine how stressed the female prosecutors in this office must be. So who determines if we are telling the truth?”

The probationary employee’s boss accused Spitzer of demanding that she be “written up” because the county’s top prosecutor was angered by the email she sent to Frater and believed she made “untruthful” claims in the complaint, according to the report.

Frater found the allegation unsubstantiated but only because the employee was not written up and was granted a permanent position.

Frater found Spitzer’s account of his meeting with the unnamed top prosecutor not credible and also doubted a claim from his public information officer, who was present for the impromptu meeting at the West Justice Center in Westminster, that she was not paying attention and did not hear the exchange.

Frater concluded “any allegations that Spitzer would have either ignored reported sexual harassment or would have retaliated against a victim or witness who reported sexual harassment prior to this investigation is speculative.”

The whistleblower’s evaluation was marked “exceeded expectations” by her supervisor, and the supervisor’s boss left a Post-it note on it for Spitzer saying she should not be written up, according to the report.

On Feb. 8, Spitzer told the supervisor that he signed off on the positive evaluation, and on March 31 the employee cleared probation.

Spitzer told Frater that he recalls having a conver-

sation at the courthouse with the woman’s supervisor and just asking “how she was doing,” according to the report. He emphasized that he didn’t want her to feel she was being retaliated against.

Frater found that Spitzer’s and his public information officer’s accounts of the discussion with the supervisor were “not credible on this incident.”

Frater added that the public information officer is “a former reporter and was presumably trained to accurately observe and recall events.

In addition, her responses about even being in the room during the discussion Spitzer had with [the supervisor] were markedly inconsistent and evasive.”

Frater concluded that the supervisor had no motive to “lie or fabricate” the discussion about the woman’s job evaluation and that his account was “indirectly corroborated by his immediate discussion” with another executive about the meeting.

Also, the supervisor immediately reported the incident to the county EEO office, Frater said.

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DISPARITIES

Continued from page R2

neighborhoods that have been hardest hit by the pandemic. They also mentioned that it’s important for local governments to work with community clinics.

There have been concerns throughout the pandemic that the county hasn’t adequately included underserved communities in its vaccine distribution plans, which once focused on mass sites called Super PODs at Disneyland and other high-traffic areas.

According to state data, which was last updated on Aug. 16, Latinos account for 13.4% of the vaccinated residents of Orange County, despite accounting for 35% of the county’s population. Asian Americans and Pacific Islanders account for 14% of the county’s vaccinated and make up 21.9% of the county’s population. White people account for 24.8% of the vaccinated and make up 38.6% of the population.

“I feel like working through groups like that is one effective way of reaching communities that might be a little bit resistant to work with academics or with government officials,” Parker said of the community health groups.

To help with reaching the underserved neighborhoods, the county rolled out a mobile vaccine system in June.

It allows people to order a mobile unit to their neighborhood, though at least 50 patients are pre-

ferred to be present.

The county also recently announced the creation of an equity map to help fix the social and health inequities officials say were revealed and worsened by the COVID-19 pandemic.

The O.C. Health Care Agency used the map to determine where it should perform vaccine outreach. Karin Kalk, director of project management and quality improvement at the agency, said in a previous interview that the county deployed mobile vaccination units to the neighborhoods and census tracts that were most in need of the vaccine.

Kalk said the county will use the map to help guide its allocation of a \$22.8-million grant from the Centers for Disease Control and Prevention, which is meant to be used for COVID-19-related health disparities. The county will also be forming a coalition guided by the map to help solve high-priority COVID-19-related needs in the community.

The county also has equity initiatives aimed at the Latino and Asian American and Asian Pacific Islander communities.

The Latino Health Equity Initiative, launched in June 2020, is a partnership between the county, Latino Health Access, Santa Ana and Anaheim Unified School districts and the coalition.

The Asian American/Pacific Islander initiative is a partnership between the county and the Orange County Asian Pacific Islander Community Alliance and Korean Community

Services “to address barriers to testing and care that these communities may experience.”

The initiative includes the Asian Pacific Islander Task Force, which offers testing, outreach and other services.

According to recent state data, Latino people account for 34.9% and the Asian community for 12.1% of the county’s COVID-19 cases. White people account for 48% of the cases in Orange County.

UC Irvine statistics professor Vladimir Minin said in an email that the likely shift in the racial groups could have occurred by a combination of two factors.

“Northern O.C. was hit very hard during the previous two waves (Summer 2020 and Fall 2020/Winter 2021),” Minin wrote, “so the Latino community has accumulated substantial natural immunity (probably at a very high cost, unfortunately) and the Orange County Health Care Agency in partnership with UC Irvine and local community organizations (e.g., Latino Health Access) did work hard to vaccinate the Latino community to insure equitable vaccine distribution ...

“To sum up, it is likely that the Latino community has higher immunity (natural plus vaccine induced) than the white residents of O.C. This is still probably a bit overly simplistic, because behavioral factors (social distancing, mask wearing, etc.) play a role too.”

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SHERIFF'S

Continued from page R5

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 "hind-sight bias," the OIR report says.

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.

Force reports also lack necessary detail, the OIR report indicates, making it difficult to adequately assess the force being described in the reports.

The OIR report explains that deputies regularly submitted reports describing the lead up to a use of force as "tense, uncertain and rapidly evolving."

Lacking supporting descriptions, it's difficult for reviewers to gauge why a situation was uncertain or tense.

One specific report only stated that "force was used to control" the subject, failing to describe what force was used and why it was justified.

"The use of such general language and lack of detail make it difficult for reviewers to determine whether the force was reasonable and within policy," the report says.

A majority of the packets that the OIR reviewed contained reports that didn't describe relevant events that were likely known to the writer.

Many of these reports described the behavior of the person being detained but not the actions of the deputy issuing the force.

When multiple deputies took part in a use of force, the ensuing report regularly only described the actions

of the author of the report, rather than the actions of all the deputies who took part in the incident.

"For example, in one incident, the main reporting deputy wrote that he delivered two knee strikes to a subject's torso during a struggle," the report says.

"At least four other deputies were at the scene and also wrote their own reports, but none of them mentioned the force used by the primary reporting deputy.

While OCSD policy does not explicitly require such reporting, reviewers of force are placed at a disadvantage when details that enable cross-verification of accounts are omitted."

Also, when multiple deputies filed a force report on an incident, the reports often referred readers to other deputies' reports for more details.

The OIR says this is problematic because it raises concerns that deputies are omitting important details from their reports, assuming that those details will be in their colleagues' reports.

The practice could lead deputies to collaborate to create "sanitized" force reports that lack relevant information. This could prevent supervisors from being able to adequately review a use of force.

The OIR spoke with several current deputies who were concerned with this practice.

The report highlights a specific incident where four deputies were responding to a domestic disturbance call regarding a man with schizophrenia who was verbally abusive with his mother.

When the man went outside and saw the deputies in the yard, he turned, went back inside and up the stairs. After the man failed to heed a deputy's order to come back, deputies grabbed the man, pulled him downstairs and into a table. A vase was broken during the incident. The report says that deputies wrestled the man into handcuffs, detaining him for a mental health evaluation.

Deputies justified the force, stating that the man

had access to weapons. However, the mother had told deputies prior to the incident that there were no weapons in the home and knives were hidden.

"Deputies did not clearly indicate in their reports any substantial deescalation efforts or any attempt to call a mental healthcare professional to the scene," the OIR report says. "Reports that lack these details are not likely to assist the department in understanding and improving its crisis intervention efforts."

FAILURE TO REFER TO INTERNAL AFFAIRS

In its report, the OIR also found that some supervisors did not refer deputies to Internal Affairs after finding that they had used force that was unauthorized or outside of department policy. A deputy isn't disciplined until their action is reviewed by Internal Affairs. Instead, supervisors chose to provide counseling to the deputies.

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

"A failure to refer out-of-policy or unauthorized uses of force 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.



Scott Smeltzer | Staff Photographer

SERGIO PEREZ is the executive director of the Orange County Office of Independent Review.

"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 incidents in which supervisors found an out-of-policy use of force but which were not referred to Internal Affairs," the OIR report says.

RECOMMENDATIONS

The OIR provides a number of recommendations to the Sheriff's Department in its report, including that the department should consider developing a clear deescalation policy, limit the circumstances in which deputies can use unauthorized force, stop allowing warning shots and more clearly define terms throughout its policies.

With regard to training, the OIR recommends the department create a deescalation course for trainees, assess the hiring and recruitment practices of its instructors and more rou-

tinely assess its current instructors.

To fix the issues with force reports, the OIR recommends that the department should implement a recurring audit of force packets and the department should ensure that supervisors refer all qualifying force packets to Internal Affairs.

The OIR report lists several other recommendations that can be viewed here.

A HISTORY OF INEFFECTIVENESS

The new report may be a sign that the OIR is working as an effective oversight agency, an attribute some say was long delayed.

When Perez was hired as the new OIR, he stepped into a position that had been mired in controversy since it was first approved in 2008, in response to the death of John Chamberlain, an inmate who was beaten to death by other inmates

in an Orange County jail.

The OIR position had been criticized as ineffective by some and praised as necessary by others.

When the Board of Supervisors first created the OIR position, the mission of the office was to solely oversee the Sheriff's Department, particularly focusing on problems in the jail system.

But it quickly descended into ineffectiveness, detractors say.

Attorney Stephen Connolly, who served as the first OIR, was criticized for his close relationship with the Sheriff's Department.

In particular, he was roundly rebuked for not uncovering the jailhouse informant scandal.

In 2015, the Board of Supervisors added the District Attorney's, Public Defenders, probation and social service departments to the list. Connolly resigned in 2016 amid the snitch scandal.

Attorney Kevin Rogan replaced Connolly after the office was empty for two years.

Rogan had served as an assistant inspector general for Los Angeles prior to his hiring. His tenure as the OIR lasted less than a year.

Following his departure, the office was vacant for two years while the board considered how best to move forward with the position.

With a civil rights and constitutional law background, Perez believes his background holding law enforcement agencies accountable throughout the state has prepared him for the role.

"I am used to these complicated spaces where a lot of people bring a lot of expectations to the table and where there might be a lot of tension as you tread into sensitive areas," Perez said in a prior interview.

"Accountability and oversight often entails looking under rocks that haven't been looked under before and kicking and shaking the tires of government agencies in all sorts of ways."

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