



# CITY OF NEWPORT BEACH

## OFFICE OF THE MAYOR

### *Mayor*

Keith D. Curry

### *Mayor Pro Tem*

Rush N. Hill, II

### *Council Members*

Leslie J. Daigle

Nancy Gardner

Michael F. Henn

Tony Petros

Edward D. Selich

September 10, 2013

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

RE: Report of the 2012-2013 Orange County Grand Jury – ***“To Protect and To Serve: A Look at Tools to Assist Law Enforcement in Achieving Positive Outcomes with the Homeless Mentally Ill.”***

Dear Presiding Judge Borris:

The City of Newport Beach appreciates the time and effort the Grand Jury spent on the development of their report, *“To Protect and To Serve: A Look at Tools to Assist Law Enforcement in Achieving Positive Outcomes with the Homeless Mentally Ill.”*

The City Council has reviewed the report and authorized the attached response to the findings, conclusions and recommendations noted in the report. The City values the opportunity to respond to this report, share our perspective, and provide a response to each of the issues requested by the Grand Jury in their report.

If the City of Newport Beach can provide additional information or clarification of our response, please do not hesitate to contact me.

Sincerely,

Keith D. Curry  
Mayor of Newport Beach

Encl: Response to Findings/Conclusions & Recommendations

cc: The Orange County Grand Jury (w/enclosure)  
City of Newport Beach Council Members (w/enclosure)  
Police Chief Jay R. Johnson (w/enclosure)  
Police Captain Dale Johnson (w/enclosure)

RE: Report of the 2012-2013 Orange County Grand Jury – *“To Protect and To Serve: A Look at Tools to Assist Law Enforcement in achieving Positive Outcomes with the Homeless Mentally Ill.”*

FROM: City of Newport Beach, California

DATE: September 10, 2013

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The Report obligates the City to respond no later than September 17, 2013 to:

- Findings: F1, F2, F3, F4, F5, F6, F7, F8 and F10; and
- Recommendations: R1 and R2.

The Newport Beach City Council and the Newport Beach Police Department have reviewed the Orange County Grand Jury report, *“To Protect and To Serve: A Look at Tools to Assist Law Enforcement in achieving Positive Outcomes with the Homeless Mentally Ill.”* Under the authority of the Chief of Police, Jay R. Johnson, Captain Dale Johnson has provided the following response, in accordance with California Penal Code Section 933.05 (a) and (b).

#### FINDINGS

**F1: Although POST requires continuing education in the area of dealing with individuals who are mentally ill, it does not specify the number of hours or frequency of officer training; nor does it require that such training be documented.**

The Newport Beach Police Department **agrees** with this finding.

**F2: Field officers desire more in-depth training in dealing with the mentally ill on the street. (Interviews)**

The Newport Beach Police Department **agrees** with this finding.

**F3: There is one officer – in very few circumstances two officers – for every one-thousand (1,000) citizens in a given city within the County who are expected to deal with the full range of law enforcement issues of that day.**

The Newport Beach Police Department **agrees** with this finding.

**F4: Nationally accredited police departments police less than 10% of Orange County cities.**

The Newport Beach Police Department **agrees** with this finding.

**F5: Not all Orange County cities have at least one officer trained in Crisis Intervention.**

The Newport Police Department **agrees** with this finding.

**F6: There is a broad spectrum of on-going training provided to patrol officers in order to develop their abilities and strategies in dealing with the mentally ill. Some departments provide minimal training; others have comprehensive programs in place.**

The Newport Beach Police Department **agrees** with this finding.

**F7: Five departments have their patrol officers ride periodically with the homeless liaison officer. Seventeen do not.**

The Newport Beach Police Department **agrees** with this finding.

**F8: Departments are reaching out – or beginning to reach out – to neighboring departments and to other skilled professionals, both in dialogue about the mentally ill ad homeless issues in their cities, and to learn more effective strategies in dealing with these individuals.**

The Newport Beach Police Department **agrees** with this finding.

**F10: All police departments adhere to written policy, procedure and/or protocol regarding contact with mentally ill persons.**

The Newport Beach Police Department **agrees** with this finding

#### RECOMMENDATIONS:

**R1: Require specific continuing education for all police officers and sheriff's deputies in interacting with the mentally ill and homeless population:**

- **Orange County City Police Chiefs and the Sheriff-Coroner shall corroborate with the Orange County Chiefs and Sheriff's Association to set the type, hours and frequency of this supplemental training;**
  - **Include Crisis Intervention Training (perhaps the Memphis model);**
  - **Training is to be documented. (F1,F2,F3,F4,F5,F6,F7,F8,F10)**

This recommendation has not yet been implemented.

The Newport Beach Police Department is committed to working with the Orange County Chief's and Sheriff's Association to determine the scope and type of training to meet this recommendation. The time frame for implementation will be set by the Orange County Chief's and Sheriff's Association once the type, scope, and costs of the training have been determined.

**R2: All Orange County City Police Departments and the Sheriff's Department shall be accredited with a national accreditation agency within (5) years. (F4)**

This recommendation is not warranted and will not be implemented.

1) Accreditation costs are unreasonably high.

The cost of the national accreditation process (CALEA) for the Newport Beach Police Department would be \$14,775 plus an unknown "on-site set up fee." An annual continuation fee of \$5000 is mandatory. Administrative costs for self-assessment, compliance, and training are unknown. Obtaining accreditation is anticipated to require at least one full-time employee, which will include the costs for salary, benefits, and pension.

2) Accreditation is unnecessary.

According to CALEA, the purpose of CALEA's Accreditation Program is to 'improve the delivery of public safety services, primarily by: maintaining a body of standards, developed by public safety practitioners, covering a wide range of up-to-date public safety initiatives; establishing and administering an accreditation process; and recognizing professional excellence." [www.calea.org]

These functions already exist through a number of resources routinely utilized by the Newport Beach Police Department.

- California POST maintains standards for training and continued professional development.
- California POST also provides, free of charge, consulting and auditing services to insure best practices and evaluation of service delivery models.
- The Newport Beach Police Department contracts with "Lexipol" to insure an up to date policy manual based on best practices and current legal updates. Through Lexipol, Daily Training Bulletins are conducted for all sworn officers to reflect changes in the law, court decisions, technology use, and system processes. Officers complete written tests to demonstrate their understanding of the training.

- The Newport Beach Police Department provides ongoing professional training for key management and executives including the FBI National Academy, POST Command College, and the West Point Leadership Academy.
- Key management and executives maintain participation in professional law enforcement associations including: The California Police Chief's Association, The International Association of Chiefs of Police, FBI National Academy Associates, PORAC, and The Orange County Police Chief's Association.

Through these professional organizations, department managers attend training and conduct networking that provides up to date information on all areas of law enforcement including labor law, technology, legislative updates, and prisoner realignment.

- 3) National accreditation does not forward the goal of achieving Positive Outcomes with the Homeless Mentally Ill.

Recommendation 1 (R1) requires additional training for all personnel in dealing with the Homeless Mentally Ill. Implementation of this recommendation will make a direct impact on the ability of Law Enforcement to deal with this complex issue. Accreditation does not address the issue in any direct or specific manner. Accreditation is a cumbersome exercise that will not, in our judgment, accomplish the goals outlined in the Grand Jury Report.