



# CITY OF HUNTINGTON BEACH

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July 8, 2013

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

Dear Judge Borris:

This letter is my response to the 2012-2013 Orange County Grand Jury report entitled, *"To Protect and To Serve: A Look at Tools to Assist Law Enforcement in Achieving Positive Outcomes with the Homeless Mentally Ill"*.

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."*

I agree with this finding.

F2. *"Field officers desire more in-depth training in dealing with the mentally ill on the street."*

I disagree partially with this finding. Making such a general statement based on several interviews is misleading. I agree that there are some officers who desire more in-depth training in dealing with the mentally ill on the street. However, I believe that if officers had to prioritize the subject matter they were most interested in receiving training about, I don't believe this subject would rank toward the top of that list.

F3. *"There is one officer - in a very few instances 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 city."*

I disagree partially with this finding. While the City of Huntington Beach falls roughly within the listed ratio of officers to citizens when considering the police department staffing relative to residents, the ratio changes dramatically during any given day based on significant growth in the daytime population of the city due to general tourism as well as large special events, in particular, during the summer months. There are many times during the summer months,

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particularly during special events and on holidays, when the City of Huntington Beach falls significantly below the ratio of officers to citizens cited in this report.

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

I agree with the finding but believe it is a potentially misleading statement. When viewed as a whole, California law enforcement agencies compare very favorably to the rest of the country. Fifty three years ago, California was the first state in the country to create an agency to develop and administer selection and training standards for the betterment of law enforcement in the state. This agency, the California Commission on Peace Officer Standards and Training (POST), has served as a model for a similar endeavor in every other state in the country. To insinuate through this finding that less than 10% of the police departments in Orange County cities are high performing, appropriately managed, professional organizations is unsupported and inaccurate. Furthermore, I do not believe this finding is at all relevant to the inquiry being conducted by the Grand Jury.

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

Based solely on the information contained in the Grand Jury report, I agree 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.”*

Based solely on the information contained in the Grand Jury report, I agree with this finding.

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

Based solely on the information contained in the Grand Jury report, I agree 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 and homeless issues in their cities, and to learn more effective strategies in dealing with these individuals.”*

I agree with this finding.

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

I agree with this finding.

F11. *“Policy and lawmakers in the County of Orange continue to examine Laura’s Law in light of its potential impact on the mentally ill and all citizens for positive outcomes.”*

Based solely on the information contained in the Grand Jury report, I agree 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 (I think you meant collaborate) 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.”*

This recommendation clearly requires further analysis before it can be implemented. While I can commit to requiring continuing education for police officers in interacting with the mentally ill and homeless population, it is impossible for me to commit to a program that hasn’t yet been developed. As the saying goes, “the devil is in the details”. The ability to provide training for Huntington Beach Police Officers depends on a number of things; staffing levels and funding are two of the main components to providing educational opportunities for our employees. Until the details of any training program eventually established by the Orange County Police Chiefs and Sheriffs Association become known, it is virtually impossible to determine our capacity to provide that training. Furthermore, I believe requiring the 40 hour course known as the Memphis Model of crisis intervention training, for every police officer is excessive and could only be accomplished by sacrificing training time and resources in some other important area.

While Penal Code Section §933.05(b) requires that I provide you with a time frame, scope and parameters for an analysis or study of this matter, the way the recommendation is written it is impossible for me to do so. Because the recommendation requires the Orange County Police Chiefs and Sheriffs Association to establish the type, hours and frequency of the proposed training, and I am but one voice of many in the association, I have little ability to determine a time line for such issues to be decided. Additionally, I am concerned that this is one more in a series of reports from the Grand Jury that recommends “more training” for police officers. If we are to provide “more training” on issues related to mental illness, are we to provide “less training” in some other area? If not, are we to reduce the level of service to our communities in order to provide 40 hours of training on the Memphis Model? It is very easy to make a recommendation for “more training” without having to consider the significant impact that 40 hours of additional training on a single topic would require. In my view, it is a very simplistic recommendation to a very complex problem that cannot be solved with more training for law enforcement officers.

R2. *“All Orange County City Police Departments and the Sheriff’s Department shall be accredited with a national accreditation agency within five (5) years.”*

This recommendation clearly seems to fall outside the scope of this Grand Jury Report. The report states “...the reason for this study is to explore what kind of training peace officers receive in dealing with the mentally ill and homeless on our streets, both prior to taking up their duties in the community and in going forward in their careers.”

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I fail to see any connection whatsoever between the national accreditation recommended through CALEA and the other issues addressed by this report. The analogy used comparing the schools in Orange County being accredited by WASC, and law enforcement agencies being accredited by CALEA, completely disregards the compliance by every agency in Orange County to standards and practices established by the California Commission on Peace Officer Standards and Training (POST). As I stated previously, POST has existed for 53 years and has served as a model for the entire country in establishing selection, training and performance standards for California Law Enforcement.

The CALEA accreditation process is both burdensome and costly. In the case of the Huntington Beach Police Department, it would require at minimum the full time assignment of a Police Lieutenant and the temporary assignment of a variety of other staff members at different stages of the process. The 24 to 36 month accreditation process is not a one-time expenditure of resources but an on-going project requiring large amounts of staff time to generate proof of compliance reports in a wide variety of areas even after accreditation is received. This process would require us to divert the efforts of some of our staff from tasks directly related to public safety, to a variety of bureaucratic endeavors. Additionally, based on my many years of experience (including 16 plus years of dealing with law enforcement agencies nationwide), I can state categorically that the standards and professionalism Huntington Beach Police Department exceed those of some agencies that have CALEA accreditation.

At this point in our history, I fail to see the need to be accredited by a national organization such as CALEA when initiating the accreditation process would dramatically impact our already strained staff. Further, the accreditation process, while long and labor intensive in and of itself, is only the first step in an on-going effort to retain the original accreditation. The on-going compliance reporting process would continue to demand significant resources of the police department that I believe could be better used in roles more directly related to public safety.

Based on the foregoing, the recommendation will not be implemented because it is not warranted and would be unreasonable at this time.

Sincerely,



Kenneth W. Small  
Chief of Police