

City of Seal Beach

POLICE DEPARTMENT



911 SEAL BEACH BOULEVARD
SEAL BEACH, CALIFORNIA 90740-5699
PHONE (562) 799-4100 / FAX (562) 493-0634

August 14, 2006

Nancy Wieben-Stock, Presiding Judge
Orange County Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701

Dear Judge Wieben-Stock:

My office received the Orange County Grand Jury report, "**Oversight of Orange County Law Enforcement Agencies, Resolving a Dichotomy**". Based upon the requests detailed in the report, I have compiled responses to Findings 6.1 through 6.4 as well as Recommendations 7.1 through 7.3.

RESPONSE TO FINDINGS:

6.1 Best practices goal: *Current practices for improving county and city law enforcement agencies' (LEAs') policies and procedures may not ensure that these policies and procedures are evolving to a level of best practices.*

We disagree. The Seal Beach Police Department has adopted the principles in sample policies drafted and approved by the Orange County Chiefs and Sheriffs Association after appropriate legal review, the Commission on Peace Officers Standards and Training (POST), as well as those recommended by other professional organizations. We believe those policies and related procedures rise to the level of best practices.

The Grand Jury refers to adopting "best practices" as a guide for local police departments in developing their policies and procedures. Unfortunately, no such guide currently exists that would provide meaningful information on internal affairs practices in the State of California, or in policing across the country. However, with the assistance of a federal COPPS Office grant, subject matter experts from across the nation and representatives of the twelve largest law enforcement agencies in the country have been drawn together to develop a system of best practices for accepting, investigating, and resolving community member complaints of police misconduct. The Seal Beach Police Department supports such an effort and is open to the review, consideration and implementation of best practices as they are developed.

6.2 Independent reviews of LEAs: *The use of independent reviews of LEAs' practices is limited to unique reviews rather than to periodic reviews of policies, procedures, and compliance.*

We disagree. The policies and practices of the Seal Beach Police Department are under regular scrutiny and review by the State and Federal Judicial Systems, the City Manager and City Council, the City Attorney's Office, along with our own Police Legal Advisor and other Management Staff.

Police department practices are continually subject to the scrutiny of independent reviews by the communities that they serve. Beyond complaining to the law enforcement agency itself, community

Response to Orange County Grand Jury Report Page 2

members have a variety of options to seek redress if they believe they have been treated unfairly, that the police have acted unlawfully, or that the police are not performing competently.

Community members have access to their elected officials and those officials have the ability to intercede if they believe we are operating in an unfair, unscrupulous, or unlawful way. Our City Council has significant powers to oversee and change police practices in our local jurisdiction. I, as a police chief, am an "at will" employee who serves at the discretion of the City Manager and the City Council and this relationship mandates that I take seriously and respond to Council actions and concerns.

Law enforcement agencies are subject to investigation and intervention by a number of state and federal agencies. Complaints of improper or unlawful actions may at a minimum draw the attention of the state or federal Departments of Justice, the FBI, or the Equal Employment Opportunity Commission. These state and federal agencies have substantial power and authority to change local police practices as evidenced through Consent Decrees implemented in Los Angeles, Riverside, San Diego, and other cities across this country.

Through open records acts, police departments are subject to oversight by the media, privately funded interest groups like the American Civil Liberties Union, and independent community members. All police department policies and procedures, with the exception of tactical procedures, are available to the public for review. The media has the ability to bring concerns to the public's attention and private groups have the ability and funds to bring civil actions seeking change.

Finally, individual community members who believe they have been aggrieved may access the court system, or they may seek the assistance of the District Attorney or Grand Jury who have subpoena and investigatory powers.

Each of these review systems is in place and works effectively. The courts, elected officials, other governmental agencies, private interest groups and the community all have a vested interest in their local police agencies and together they conduct periodic external reviews of police department policies, procedures, and compliance.

6.3 Orange County is changing: *Orange County and city LEAs will face new challenges as the number of crimes increase, reflecting those of surrounding counties.*

We agree. The County is changing and growing. As a result, we believe that law enforcement agencies will face new challenges as the County grows and crime increases.

However, there is no evidence that communities within Orange County will face the amount or type of criminal activity that has affected our surrounding counties. Certainly challenges will occur as our law enforcement departments and their communities work together to maintain low crime rates, but the efforts that our departments have made toward prevention, partnerships and problem-solving will form the foundation for safe and secure communities for years to come.

6.4 LEA self-assessment: *Using public/private sector management techniques such as best practices, self-assessment, and independent audits would improve LEA monitoring.*

We disagree partially. Many law enforcement organizations in Orange County engage in ongoing self-assessment to ensure that their organizations are achieving their missions in accordance with their values. Further, many departments have contracted with independent firms to conduct periodic reviews on internal systems evidencing that the recommendations of the Orange County Grand Jury are already in place through sound management practices, rather than through an external unfunded mandate. Our department does this too.

With regard to LEA monitoring, we already have sufficient procedures in place, along with both internal and external review, to insure we are following best practices. As a result, we do not agree that

Response to Orange County Grand Jury Report
Page 3

independent audits (at public expense), would provide sufficient levels of improvement in this area to warrant the additional expenditures required. Our Policymakers (City Manager and City Council), have the authority to call for such audits when they are not satisfied with the Department's performance in the Community. With effective policies, checks, and balances already in place, the financial impact involved does not relate to the necessity.

RESPONSE TO RECOMMENDATIONS:

7.1 Best practices guidelines: *The Orange County municipal police departments should consider adopting or developing best practices guidelines appropriate for inclusion in LEAs' goals/objectives. An example would be the publication of a best practice document as a self-assessment guide to handling residents' complaints. (See Findings 6.1 and 6.4.)*

Refer to 6.1 Best Practices Goal for a discussion on best practices.

We have already implemented this recommendation. The Seal Beach Police Department receives regular recommendations from Legal Advisors from law enforcement professional organizations, State agencies like POST, County of Orange Chiefs and Sheriff's Association, etc., on a variety of topics, such as oversight and training in the handling of residents' complaints to the police department. In conjunction with our own City Attorney, we adopt those best practices and recommendations on model policies. We are open to considering the value contained in a publication of Best Practice Guidelines by an organization like POST, or the IACP as a self-assessment to the handling of any law enforcement issue.

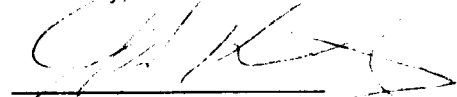
7.2 Near-term, independent review of LEA policies, procedures, and compliance: *The Orange County municipal police departments, in cooperation with the Orange County City Mayors, should consider contracting for a near-term independent review of LEAs' current policies, procedures, and compliance to provide current status as compared to best practices. (See Findings 6.2 and 6.3.)*

This recommendation will not be implemented because it is the Seal Beach Police Department's belief that it is not warranted at this time. We do not support the expenditure of funds for near-term independent review. Such reviews have been conducted by the Courts, as well as through checks and balances inherent in municipal government, i.e., through the City Manager's Office and the City Attorney. The internal and external systems of checks and balances in place are functioning effectively and there is no evidence to suggest that the recommendations proposed by the Orange County Grand Jury would enhance the systems in place.

7.3 Periodic, independent reviews of LEA compliance to policies and procedures: This recommendation will not be implemented for the same reasons stated in Recommendation 7.2

We appreciate the time spent on examining these issues even though we may not be in agreement with all of the Orange County Grand Jury's conclusions and recommendations.

Sincerely,



Jeff Kirkpatrick
CHIEF OF POLICE