



## The CITY of BREA Police Department

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October 30, 2006

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

Dear Judge Wieben-Stock,

My office has received the Orange County Grand Jury report on **“Oversight of Orange County Law Enforcement Agencies, Resolving a Dichotomy”**. Per the request 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 wholly. The Brea 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 have also retained the services of an outside policy development consultant (Lexipol). This company provides regular and consistent updates. We believe those policies and related procedures rise to the level of best practices. The following excerpt is from the company's literature, "... we continue to develop new policies and improve existing policies to reflect the changes from precedent setting court decisions, legislation, best practices, and new issues facing our subscribing agencies."

*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 wholly. The policies and practices of the Brea Police Department are under regular scrutiny and review by the State and Federal Judicial Systems, the City Manager and City Council, the City's Risk Manager, City Attorney's Office, along with our Management Staff.

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*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 disagree partially. 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 patterns change. However; population centers, density, demographics, and socio-economic influences vary widely when one compares surrounding counties and cities with Orange County and the cities within the county. These factors have been historically recognized as having significant impact on crime rates. As such, it is difficult to envision a true reflection of crime rates as suggested.

*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. 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, it is not agreed that 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 and checks and balances already in place, the financial impact of one more audit system would not be the most prudent use of the public's resources.

Response to Recommendations:

*7.1 Best Practice Guidelines:* The recommendation has been implemented. The Brea 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 and our policy development company, we adopt those best practices and recommendations on model polices. We would not however, be opposed to considering the value contained in a publication of Best Practice Guidelines by an organization like POST, as a self-assessment to the handling of any law enforcement issue.

*7.2 Near-term, independent review of LEA policies, procedures, and compliance:* This recommendation will not be implemented because it is the belief of the Brea Police Department that it is not warranted at this time. This belief is supported by periodic and spontaneous review of our policies, procedures and compliance. 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, City Attorney and Risk Manager.

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

The Brea Police Department appreciates the time spent examining these issues and it is clear that the best interests of the people of Orange County are being taken to heart.

Sincerely,



MICHAEL J. MESSINA, CHIEF OF POLICE  
BREA POLICE DEPARTMENT