



September 19, 2006

Lara Anderson
Mayor

Russell Chilton
Mayor Pro Tem

Diane L. Harkey

James V. Lacy

Wayne Rayfield

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

Re: Orange County Grand Jury Report: Oversight of Orange County Law Enforcement Agencies, Resolving a Dichotomy!

Dear Judge Stock:

The City of Dana Point has received and reviewed the Orange County Grand Jury report on, "***Oversight of Orange County Law Enforcement Agencies, Resolving a Dichotomy!***" As you may be aware, the City of Dana Point contracts with the Orange County Sheriff's Department for law enforcement services. Please accept the following responses in accordance with California Penal Code §933 and §933.05.

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

With all due respect, we disagree wholly. Currently, the Orange County Sheriff's Department is subject to periodic reviews in the form of internal and/or external audits. The purpose of these audits (reviews) is to maintain compliance with all applicable laws and statutes and to ensure best practices are incorporated into policies and procedures. Additionally, the department continually monitors case law and civil litigation and adjusts policies and practices accordingly.

Police department practices are continually subject to scrutiny by the community members they serve. Should community members believe they have been treated unfairly, that police have acted unlawfully or that the police are not performing competently, they have a myriad of options to seek redress. First, community members have access to elected officials that have the ability to intervene on their behalf. As Mayor of Dana Point, community members seeking clarification regarding police practices and policy are encouraged and welcome to approach any Councilmember or the City Manager.

Secondly, law enforcement agencies are subject to investigation and intervention by a number of state and federal agencies. In addition to an internal affairs

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investigation and District Attorney review, complaints of improper or unlawful actions may draw the attention of the state or federal Attorney General's office, and Federal Bureau of Investigation.

Thirdly, police departments are subject to oversight by the media, privately funded interest groups like the American Civil Liberties Union (ACLU) and independent community members. Recently, the Orange County Sheriff's Department was subject to such a review by the Orange County Register. In this feature piece, the Register compared the level of service delivered by the Sheriff's Department to those of neighboring cities.

Finally, individual community members who believe they have been aggrieved have the option to seek redress through the county Risk Management office, through civil proceedings or through the Grand Jury who have subpoena and investigatory powers.

All of these review systems are in place and working effectively. Police agencies in Los Angeles, Riverside and San Diego counties are all operating under Consent Decrees issued by state or federal agencies. It is not by accident or oversight that we in Orange County have avoided these restrictions.

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

There is no doubt that our county is growing and changing, however, we do not believe that communities within the County of Orange will face the same amount or type of criminal activity that has affected our surrounding counties. Orange County has always had a low crime rate compared to surrounding counties.

In the past 50 years, Orange County's population has grown significantly in both numbers and diversity. Despite this growth and change, crime rates fell dramatically in the nineties and the first half of this decade. In several categories, crime is at its lowest level in 50 years. The city of Dana Point has experienced a similar reduction in the rate of crime. As crime has decreased, our relationship with the communities we serve has improved. Dana Point, like many cities in Orange County, is often recognized as one of the safest cities in the county year after year.

Recommendation 7.2 *Near-term, independent reviews 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 LEA's current policies, procedures, and compliance to provide current status as compared to best practices. (See findings 6.2 and 6.3)*

We cannot support the expenditure of public funds for near-term independent review for two reasons: First, as stated above, LEA's already face a battery of

reviews both internally and externally on a continuous basis. Secondly, there is no evidence that such independent review is any more effective than the reviews currently employed. The Grand Jury's report identified the absence of such reviews and discussed the implementation of a near-term independent review without ever addressing the effectiveness of such reviews. There is scarce evidence that "independent reviews" are, indeed, independent or that they produce beneficial changes in policy or relationships within the community.

7.3 Periodic, independent reviews of LEA compliance to policies and procedures: The Orange County municipal police departments, in cooperation with the Orange County City Mayors, should consider contracting for periodic, independent reviews of LEA's policies and procedures, using best practices guidelines as criteria.

Again, we cannot support this recommendation for the expenditure of funds for near-term independent review. The Grand Jury refers to adopting "best practice" as a guide for local law enforcement in developing policies and procedures. Unfortunately, no such guide exists for policies and procedures the Grand Jury would strive to affect-Internal Affairs and policy review. One merely needs to look at the list of periodicals referenced in the Grand Jury's report to realize that, while "best practices" is useful in the private sector, its acceptance and practice in law enforcement is extremely limited.

Thank you for the opportunity to respond to the recommendations prepared by the Grand Jury. On behalf of the residents of the city of Dana Point, I would like to thank members of the Grand Jury for their diligence and service to the community.

Sincerely,

A handwritten signature in black ink that reads "Lara Anderson". The signature is written in a cursive, flowing style.

Lara Anderson, Mayor
City of Dana Point