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September 14, 2006

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 Wieben Stock:

Please accept the following responses in accordance with California Penal Code §933 and §933.05 to the "Orange County Grand Jury Report: Oversight of Orange County Law Enforcement Agencies, *Resolving a Dichotomy!*"

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.*

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 Community Oriented Policing Services grant, a community of practice has been established bringing together experts from across the nation and representatives of the twelve largest law enforcement agencies in the country to develop a system of best practices for accepting, investigating, and resolving community member complaints of police misconduct. The Irvine Police Department is committed to its continuing efforts in supporting this community of practice 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.*

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

First, community members have access to their elected officials and those officials have the ability to intercede if they believe their police departments are operating in an unfair, unscrupulous, or unlawful way. City Councils have significant powers to monitor and influence police practices in their local jurisdictions.

Second, 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 Department of Justice, the Federal Bureau of Investigation, or the Equal Employment Opportunities 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 and San Diego.

Third, 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.

All of these review systems are in place and are working 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.*

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There is no evidence that communities within the County of Orange will face the amount or type of criminal activity that has affected our surrounding counties. One cannot draw conclusions from comparisons of counties with major cities like Los Angeles and San Diego with counties like Orange which is made up of 26 suburban cities, none of which have a population of over 400,000 and none of which are subject to the same social, political or infrastructure concerns of those surrounding major urban areas.

Certainly challenges will occur as the police department's and their communities work together to maintain low crime rates, but the efforts that the Orange County police departments have made toward prevention, partnerships and problem-solving will form the foundation of a safe and secure community 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.*

The Irvine Police Department does engage in on-going self-assessment to ensure that our organization is achieving our mission in accordance with our values of integrity, quality service, accountability and respect. The Irvine Police Department has taken a leadership role in developing "best practices" for allegations of officer misconduct by involving a high ranking member of the organization in a nationwide community of practice devoted to this subject area. We continually engage in self-assessment through a series of mandated internal audits that review our policies, practices and performance of our officers. Further, the Irvine Police Department has 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.

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.

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*

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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.)

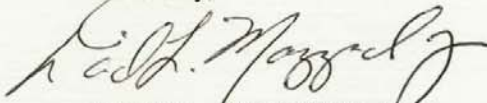
The Irvine Police Department does not support the expenditure of funds for near-term independent review. There are only a few experts nationwide who have the knowledge, training and experience to conduct such a review and there is no evidence that such independent review is any more effective than the reviews currently produced. 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: *The Orange County municipal police departments, in cooperation with the Orange County City Mayors, should consider contracting for periodic, independent reviews of LEAs' policies and procedures, using best practices guidelines as criteria. (See Findings 6.2 and 6.3.)*

Refer to 7.2 Near-term, independent reviews of LEA policies, procedures, and compliance and 6.1 Best practices goal for a discussion on contracting for independent review and best practices.

Thank you for this opportunity to respond to the recommendations prepared by the 2005/2006 Orange County Grand Jury in their report entitled, "Oversight of Orange County Law Enforcement Agencies, *Resolving a Dichotomy!*" Should you have any questions, please do not hesitate to contact my office at (949) 724-7101.

Sincerely,



DAVID L. MAGGARD, Jr.
Chief of Police

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