
Police Department

September 1, 2006

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 La Palma Police Department 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!*"

Response to Findings:

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

We disagree wholly. The La Palma 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. In addition, the La Palma Police Department contracts with an independent private company (Lexipol, LLC) to annually review and update Department Policies, Procedures, Rules and Regulations. We believe these policies and related procedures rise to the level of best practices.

The Grand Jury report 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. The La Palma Police Department is committed to supporting efforts to develop a system of best practices for accepting, investigating, and resolving community member complaints of police misconduct, and is open to the review, consideration and implementation of best practices as they are developed.

Finding 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 La Palma Police Department are under regular scrutiny and review by the State and Federal Judicial Systems, the City Manager and City Council, the City's independent Risk Management company, the City Attorney's Office, along with our own Police Legal Advisor and other Management Staff.

The La Palma Police Department currently contracts with an independent private company (Lexipol, LLC) to annually review and update all Department Policies, Procedures, Rules and Regulations. In addition, La Palma Police Department practices are continually subject to the scrutiny of independent review. Beyond complaining to the 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 the police department is operating in an unfair, unscrupulous, or unlawful way. The La Palma City Council has significant powers to oversee and change police practices in this jurisdiction. The Chief of Police is an "at will" employee serving at the discretion of the City Manager and this relationship mandates that the Chief take seriously and respond to council actions and concerns.

Second, the La Palma Police Department is 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 FBI, or the Equal Employment Opportunity Commission. These state and federal agencies have substantial power and authority to change police practices as evidenced through Consent Decrees implemented in Los Angeles, Riverside and San Diego.

Third, through open records acts, the La Palma Police Department is subject to oversight by the media, privately funded interest groups like the American Civil Liberties Union, and independent community members. 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.

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

We agree. The County is changing and growing. Certainly challenges will occur as we work together with the residents of La Palma to maintain low crime rates, but the efforts that our department has made toward prevention, partnerships and problem-solving has formed a foundation for a safe and secure community for years to come. La Palma embraces the emerging diversity of our city. The La Palma Police Department believes that we have built positive relationships with our diverse community and actively participate through programs such as our Citizen's Police Academy, our Korean Citizen's Academy, our School Police Interaction with Youth program and our continuing efforts in Community Oriented Policing.

And La Palma has seen real results. In 2005, crime in La Palma dropped by 6.7% from the previous year, and by 54% from 1995. There is no evidence that La Palma will face the amount or type of criminal activity that has affected our surrounding counties.

Finding 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 agree 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, we do not agree 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 involved does not relate to the necessity.

The La Palma Police Department engages in ongoing self-assessment to ensure that our organization is achieving our mission in accordance with our values. The Police Department has contracted with an independent private firm to conduct annual reviews of our Policies and Procedures 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.

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.)

The recommendation has been implemented. The La Palma 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 Department Legal Advisor, 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.

The La Palma Police Department currently contracts with an independent private company (Lexipol, LLC) to annually review and update Department Policies, Procedures, Rules and Regulations. The La Palma Police Department has comprehensive Policies and Procedures for the handling of complaints from the public and from employees. These were provided to the Orange County Grand Jury during their initial investigation of this subject.

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 has been implemented in part. The La Palma Police Department currently contracts with an independent private company (Lexipol, LLC) to annually review and update Department Policies, Procedures, Rules and Regulations.

The La Palma Police Department will not be implementing a near-term independent review of compliance compared to best practices because it is the belief of the La Palma 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 Management assessments.

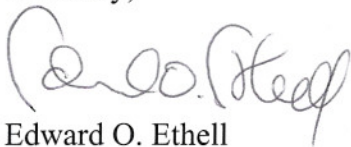
7.3 Periodic, independent reviews of LEA compliance to policies and procedures: The Orange County municipal police departments, in cooperation with the Orange County City Mayors, should consider contracting for periodic, independent reviews of LEAs' policies and procedures, using best practices guidelines as criteria. (See Findings 6.2 and 6.3.)

The recommendation has been implemented. The La Palma Police Department currently contracts with Lexipol, LLC, a private company for the annual review and revision of the Department Policies, Procedures, Rules and Regulations. 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.

On behalf of the caring, committed and professional employees of the La Palma Police Department, I 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 (714) 690-3379.

Sincerely,



Edward O. Ethell
Chief of Police