



Office of the City Council

City of Tustin

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September 5, 2006

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

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

Dear Judge Wieben Stock:

My office has received the Orange County Grand Jury report titled, "Oversight of Orange County Law Enforcement Agencies, Resolving a Dichotomy." Per the request detailed in the report, I have compiled responses to Findings 6.2 and 6.3 as well as Recommendations 7.2 and 7.3.

Pursuant to Penal Code 933 (c), a copy of this response has been placed on file with the City Clerk of the City of Tustin. Additionally, a copy and an electronic format version (PDF) have been forwarded to the Orange County Grand Jury.

Response to Findings:

6.2 Independent reviews of Law Enforcement Agencies: The use of independent reviews of law enforcement agencies' practices is limited to unique reviews rather than to periodic reviews of policies, procedures, and compliance.

I disagree. The Tustin Police Department demonstrates strict adherence to established policies and procedures. Its accountability to the citizens of Tustin is apparent through the officers' daily actions and interactions with the community. If this were not the case, as Mayor of Tustin I would certainly be well aware of it.

Under contractual agreement with Lexipol Inc., the department has created a unique system of external review of its policies and procedures to insure compliance with law and current practice. In addition, the policies and procedures of the department come under regular review by the City Council, the City Manager, the City Attorney, and the City's Risk Manager. I know the Chief of Police uses the many external law enforcement professional organizations to constantly review policies and procedures to insure the police department meets the standard of best practices.

Doug Davert
Mayor

Tracy Worley Hagen
Mayor Pro Tem

Lou Bone
Councilmember

Tony Kawashima
Councilmember

Jerry Amante
Councilmember

In my view, the Department has met its obligation to create an agency which demonstrates ethical behavior and promotes public trust. It has in place clearly defined processes for accepting citizen complaints and a reasonable record for sustaining complaints. The department is well respected, and its officers and command staff have established healthy relationships with citizens, elected officials, and other stakeholders within the community.

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

I agree. The City of Tustin, as well as the rest of Orange County, is changing and growing. This will affect many issues, including crime, transportation, and housing. Local law enforcement agencies will undoubtedly face new challenges. As an elected official, it is my duty to insure that the Tustin Police Department remains progressive, well staffed, and well equipped to face these challenges.

Response to Recommendations:

7.2 Near-term, independent review of Law Enforcement Agency 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 Law Enforcement Agencies' current policies, procedures, and compliance to provide current status as compared to best practices.

This recommendation will not be implemented in Tustin. I believe that the policies and procedures of Tustin Police Department already meet the standard of best practices, and that contracting for near-term independent review would not be a good use of tax dollars. In addition, the citizens of Tustin are not asking for or expecting such a review. A need has not been established to veer away from our current direction.

The City of Tustin, however, is preparing to face the challenges of the future. The Tustin Police Department recently transitioned to the next level of community policing, which we call Community Governance. This new philosophy requires an even greater partnership with the public with the goal of improving public safety. One of the goals in the transition plan is to implement a Police Chief's Advisory Board. Amongst many responsibilities, the Board will review and provide a community perspective and make recommendations concerning policies, procedures, programs, and the effectiveness of police services. The Board will be provided regular updates on those critical issues related to public trust, such as the number and type of citizen complaints, use of force, and police pursuits. The Police Chief's Advisory Board will serve as a form of citizen oversight in Tustin. This Board will be in place prior to July 2007.

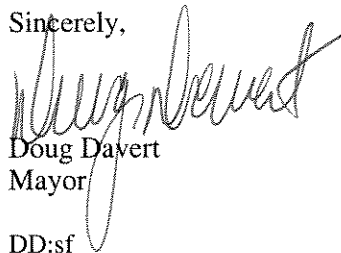
7.3 Periodic, independent reviews of Law Enforcement Agency compliance to policies and procedures: The Orange County municipal police departments, in cooperation with the Orange County Mayors, should consider contracting for periodic, independent reviews of Law Enforcement Agencies' policies and procedures, using best practice guidelines as criteria.

This recommendation will not be implemented at this time. Again, I believe that the Tustin Police Department is a model agency that uses best practices as its standard, and contracting for independent review at this time is not warranted.

However, the Police Department is keenly aware of the changing dynamics in Orange County and is diligently preparing for the future, using a five-year Strategic Plan as its roadmap. Becoming an accredited agency through the Commission on Accreditation for Law Enforcement Agencies (CALEA) is a goal outlined in the plan. The process for accreditation begins with a self-assessment in which the agency compares its policies and procedures against 497 national standards. This is followed by an on-site assessment by trained assessors to insure the department's practices meet the best practices standard. Once accredited, CALEA requirements call for a reaccreditation every three years. This process more than suffices for "periodic, independent reviews." The Police Department plans to begin the accreditation process by July 2008.

On behalf of the City of Tustin, I want to thank the Grand Jury for your work on behalf of all of our residents.

Sincerely,



Doug Davert
Mayor

DD:sf

c: Tustin City Council
William A. Huston
Foreperson, Orange County Grand Jury
700 Civic Center Drive West, Santa Ana, CA 92701