



CITY OF TUSTIN

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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 6.1 through 6.4 as well as Recommendations 7.1 through 7.3.

Pursuant to Penal Code section 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:

6.1 **Best practice 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. We believe that a well written policy and procedure manual serves as the foundation of a professional law enforcement agency. In Tustin, we pride ourselves on the quality and relevance of our policy and procedure manual and on the internal training of those policies, which we insure. We feel that the department has demonstrated due regard in directing the actions of our employees. Our officers follow approved and recognized procedures in carrying out their duties, and our policies reflect a proactive stance in planning ahead, rather than waiting and responding after a major incident.

"Raise the Bar Toward Excellence"

To further insure that our policy manual continues to evolve to a best practices standard, the City of Tustin has entered into a contractual agreement with Lexipol, Inc., to handle the arduous task of updating policies to stay current with existing law and trends in law enforcement practice. Lexipol is a company with specialized experience in law enforcement policy development and training. Lexipol's unique approach to developing policies, keeping policies updated, and training in policy, has been effective in reducing the frequency and severity of law enforcement claims in the 200-plus agencies it serves.

In addition to regular review by our own City Attorney's Office, we compare our policies and procedures to those model policies and recommendations that come from the following professional and state organizations: Commission on Peace Officer Standards and Training (POST), Orange County Police Chiefs' and Sheriff's Association, California Police Chiefs' Association, and the International Association of Chiefs of Police (IACP). In fact, we subscribe to the IACP National Law Enforcement Policy Center's "A Compilation of Model Policies," all of which we use to insure our policies remain best practices.

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.

We disagree. As detailed above, the use of a consulting contractor to review policy and procedure on a regular basis meets the definition of an independent review process. Under our contractual agreement with Lexipol, our policies and procedures are regularly reviewed outside of the agency to insure compliance with law and current trends in law enforcement. In addition to this review by Lexipol, our policies and procedures are regularly scrutinized by our City Council, City Manager, City Risk Manager, and City Attorney, along with federal and state judicial review.

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.

We agree. Orange County is changing and growing, and we should anticipate a corresponding increase in crime. The City of Tustin will also continue to grow. The expansion of the Legacy Project on the former military base will result in a population growth expected to exceed 10,000. As a result, we believe that we will face new challenges in the future, and the same will undoubtedly hold true for other law enforcement agencies in the county.

6.4 Law Enforcement Agency Self-Assessment: Using public/private sector management techniques such as best practices, self-assessment, and independent audits would improve Law Enforcement Agency monitoring.

We agree. We believe that the Tustin Police Department is a model law enforcement agency, and that our policies, procedures, and practices meet the standard of best practices. We also believe that we have sufficient internal and external review processes to insure we stay state-of-the-art, and we believe that our City Council, City Manager, and community would whole-heartedly support this notion.

With that said, we also recognize that continuous self-assessment and professional external monitoring can only improve our performance. It certainly can't hurt, and if done well, will further add credibility to the agency and build trust with our diverse community.

The Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) offers just such a program, through which law enforcement agencies can evaluate, strengthen, and improve their effectiveness. This program offers a process of self-assessment, followed by an external on-site assessment by trained experts in the field, to ensure the agency's practices meet national standards. The law enforcement agency ultimately receives national accreditation, similar to college and hospital accreditation.

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 law enforcement agencies' goals and objectives. An example would be the publication of a best practice document as a self-assessment guide to handling residents' complaints.

This recommendation has been implemented. Tustin Police Department adheres to best practices guidelines through our contract with Lexipol, which insures that our policies and procedures adhere to existing law and current trends in law enforcement. We review these procedures internally when recommendations are provided by our City Attorney, the Orange County Chiefs of Police and Sheriff's Association, POST, and other professional organizations. We also continuously compare our policies to the model policies produced and regularly updated by the International Association of Chiefs of Police. One such example of a "best practice" is our manual for handling external and internal complaints titled, "Disciplinary Procedures, Administrative Investigations, and Performance Improvement Plans, Guidelines for Supervisors."

- 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. Again, we feel that we already model best practices, and that we have both internal and external review mechanisms to insure we maintain the best practices standard. For a law enforcement agency the size of Tustin, reviews and inspections by the City Attorney, Risk Manager, City Manager, and City Council are adequate to insure best practices, and contracting for near-term independent review would not be an efficient use of tax dollars.

However, other processes are in place to add levels of review and monitoring with the goal of enhancing public trust and increasing law enforcement effectiveness. For the past year and a half, the Tustin Police Department has been intently focused on the transition to "Community Governance." Community Governance is the next level of community policing, and is a philosophy and a strategy that requires dialogue, partnership, and shared responsibility for public safety. To that end, we have produced a five-year Strategic Plan, with fiscal year 2006-2007 being the first year.

One of the goals in the first year of the Strategic Plan is to implement a Police Chief's Advisory Board. Membership on the Board will consist of representatives from each police patrol area, along with representatives from senior citizens, churches, businesses, schools, and various ethnic/cultural organizations. The mission of the Board will be to assist the police department in assessing community needs and expectations relative to police services, and enhance the flow of appropriate information to residents, schools and businesses in the City. Some of the duties and responsibilities will be to serve as a liaison between the police department and the community, providing information about attitudes, needs and opinions of residents, businesses and schools; to advise and make recommendations to the Chief of Police on issues concerning public safety and police services within the City; and to review and provide a community perspective and recommendations concerning policies, procedures, programs, and the effectiveness of police services. The Police Chief's Advisory Board will serve as a form of citizen oversight.

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 City 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 immediately implemented in Tustin. Again, a need has not been demonstrated to justify a change of direction from our current goals, objectives, and strategies. However, becoming an accredited agency through the Commission on Accreditation for Law Enforcement Agencies (CALEA) is a goal outlined in our five-year Strategic Plan. The purpose of CALEA is to establish standards of professional excellence for public safety and to develop and administer

a process for recognizing professional excellence. Basically, the accreditation process is like an "audit" to determine compliance and accountability to national standards, and more than suffices for "periodic, independent reviews" of our policy and procedures to insure best practices.

As part of our Strategic Plan, the Tustin Police Department has set a goal to attend a CALEA Accreditation Seminar on or before July, 2008; in preparation for entering the accreditation process. Accreditation is a coveted award that symbolizes professionalism, excellence, and competence. Employees of the Tustin Police Department will take pride in their police service, knowing it represents the very best in law enforcement. We see the achievement of national accreditation as another validation of our excellence.

Sincerely,



SCOTT M. JORDAN
Chief of Police

SMJ:sf

Cc Foreperson, Orange County Grand Jury
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