



# City of La Habra

"A Caring Community"

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TO KEEP KIDS  
OFF DRUGS.

POLICE DEPARTMENT

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August 24, 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:

The following responses relating to the above named report were prepared by the La Habra Police Department, Office of the Chief of Police, and in accordance with California Penal Code Sections 933 and 933.05.

## RESPONSES TO FINDINGS

**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.*

We disagree wholly. The La Habra Police Department has adopted the principles in sample policies drafted and approved by the Orange County Chiefs' and Sheriff's Association, after appropriate legal review, the Commission on Peace Officers' Standards and Training (POST), as well as those recommended by other professional organizations. It is our belief that those policies and related procedures rise to the level of best practices. The La Habra Police Department's Professional Standards Unit reviews current law and case decisions and works with the department's legal advisor to ensure these are translated into policies and procedures, when appropriate. Lastly, the department's policy and procedure manual undergoes a legal review on an annual basis.

**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. Police department practices are continually subject to the scrutiny of independent reviews by the communities they serve. Beyond the LEA itself,

community members have a myriad of options to seek redress if they believe they have been treated unfairly. 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. All police chiefs are "at will" employees who serve at the discretion of the council.

LEAs are subject to investigation and intervention by a number of state and federal agencies. Complaints of improper or unlawful conduct may be investigated by state and federal authorities. These agencies have substantial power and authority to change local police practices.

Through the "public records act," police departments are subject to oversight by the media and privately funded special interest groups, like the ACLU, MALDF or a number of other independent groups.

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

We agree. The County is changing and growing. As a result we believe that LEAs will face new challenges as the County grows and crime (potentially) increases.

**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 disagree partially. Many LEAs in Orange County engage in ongoing self-assessment to ensure that their organizations are achieving their missions in accordance with the law and their values. Furthermore, many departments have contracted with independent firms to conduct periodic reviews of internal systems evidencing that the recommendations of the Orange County Grand Jury are in place through solid 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 practice guidelines appropriate for inclusion in LEAs goals and 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 Habra Police Department receives regular recommendations from legal advisors from law enforcement professional organizations, state agencies like POST, the Orange County 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, we adopt those best practices and recommendations on model policies. We would not, however, be opposed to considering the value contained in a publication of Best Practice Guidelines by an organization like POST or the California Chiefs of Police Association as a self-assessment to the handling of any law enforcement issue.



**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 & 6.3).*

This recommendation will not be implemented because it is the belief of the La Habra 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 the city's risk management process.

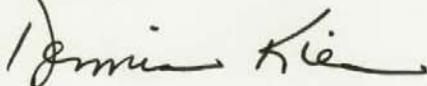
**7.3 Periodic, independent reviews of LEA compliance to policies and procedures:**

*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 & 6.3).*

This recommendation will not be implemented for the same reasons stated in recommendation 7.2

Thank you for the 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.*

Sincerely,



Dennis Kies  
Chief of Police