



# CITY OF ORANGE

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November 20, 2006

Honorable Nancy Wieben Stock  
Presiding Judge  
Orange County Superior Court  
700 Civic Center Drive West  
Santa Ana, CA 92701

RE: City of Orange Response to "Oversight of Orange County Law  
Enforcement Agencies, Resolving a Dichotomy, Orange County Grand  
Jury 2005-2006"

Dear Presiding Judge Wieben Stock:

First please allow me to apologize for the City's tardy response to this report. The following is our response to the findings and recommendations.

## **FINDINGS**

### **6.1 Best Practices Goal.**

We strongly disagree. The City of Orange Police Department's policies for investigating community allegations of misconduct are based upon legal, procedural and ethical issues. Our practices are and have been subject to legal review through our City Attorney's Office, contracted outside attorneys and both state and federal courts. Additionally, we seek peer review through organizations such as the Orange County Chiefs and Sheriffs Association (OCCSA) and the California Commission on Peace Officer Standards and Training (POST). Our internal affairs investigators receive regular training in the area to stay abreast of the latest trends, legal decisions and ethical issues in the field.

The Orange Police Department strives to employ only those individuals – both sworn and non-sworn – with a background consistent with the ideals contained within the Law Enforcement Code of Ethics. We emphasize ethical decision-making under two of the Department's "Five Pillars of Success." Those stated pillars are Leadership and Professionalism. The department recently completed ethics training for every member of the department, sworn and non-sworn, full time and part-time, conducted by Gordon Graham. Additionally, my command

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staff and I have completed the "Honoring the Badge – Ethics in the Workplace" course conducted by the prestigious Josephson Institute of Ethics.

Additionally, I am a member of the Josephson Institute of Ethics Law Enforcement Sub Committee. As part of that sub-committee, I am promoting the institute's latest police training program titled "Becoming an Exemplary Peace Officer." In collaboration with Ron Lowenberg, Director of the Golden West College Criminal Justice Training Center, this program is being presented in pilot form to their police academy students beginning in December, 2006. Following a revision process, the program will be presented to P.O.S.T. for consideration to be added to the California basic academy curriculum. We believe we do subscribe to the best practices and continually work to maintain them.

### **6.2 Independent Reviews of LEAs.**

We strongly disagree. The City of Orange Police Department is and always has been committed to accepting and investigating allegations of misconduct in an impartial and professional manner. Citizen complaints are treated very seriously and citizens are encouraged rather than discouraged from making a complaint or voicing their concerns about how they were treated. Investigations are then conducted and complainants are advised of the findings pursuant to law.

The actions of our police officers are under constant scrutiny by many eyes including those of police management, citizens and our local elected officials. Citizens also have the option of seeking redress in civil court for improper treatment by police officers.

### **6.3 Orange County is Changing.**

We agree that Orange County is changing, however, so is the Orange Police Department. We are all well aware of the changes occurring in Orange County and the problems those changes pose to the City of Orange Police Department. This is one of the reasons why we are consistently updating our policies, procedures and training so that we may stay current and be prepared for these changes and ready to provide the best service possible. We continually try to recruit the finest people to be police officers for the City of Orange, because the finest people provide the finest service. We believe this is one significant way to prepare for the future and to respond to the needs of our community.

### **6.4 LEA Self Assessment.**

We agree. We believe that the City of Orange Police Department already maintains the standards of best practices. We also always strive to maintain this standard. We have always required more of our officers than the minimum requirements under the law and other regulations governing LEAs. We believe

we hire the best people to be police officers in the City of Orange and we require them to adhere to the best practices.

## **RECOMMENDATIONS**

### **7.1 Best Practices Guidelines.**

This recommendation has been implemented. The Orange Police Department has already entered into a contract with LEXIPOL, a private company who prepares policies and procedures for police departments. LEXIPOL has currently prepared policies and procedures for well over 200 law enforcement agencies. We are confident that our contract with LEXIPOL will keep our policies and procedures current with existing law and trends in law enforcement. These policies and procedures proposed by LEXIPOL are reviewed internally and by our City Attorney's Office.

Additionally, refer to section 6.1, Best Practices Goal.

### **7.2 Near-Term Independent Review of LEA Policies, Procedures and Compliance.**

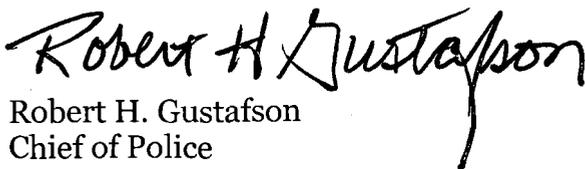
This recommendation will not be implemented. In Orange, we feel that we have sufficient internal and external mechanisms in place to review the Police Department's policies and procedures to make sure the best practices standard is met. This includes a review by our City Attorney's Office, Risk Manager, City Manager and City Council and we do not believe it is an appropriate use of tax dollars to contract for a near-term independent review.

### **7.3 Periodic Independent Reviews of LEA Compliance to Policies and Procedures.**

This recommendation will not be implemented at this time for the same reasons as provided in our response to recommendation 7.2.

Thank you for your service and efforts on behalf of Orange County law enforcement and we hope these responses will be helpful.

Sincerely,

  
Robert H. Gustafson  
Chief of Police