



BETH KROM, Mayor

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AUGUST 22, 2006

The Honorable 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 Stock:

Please accept the following 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!*"

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.***

Police department practices are continually subject to the scrutiny of independent reviews by the communities that they serve. Beyond complaining to the law enforcement 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 we as elected officials have the ability to intercede if we believe our police department is operating in an unfair, unscrupulous, or unlawful way. As Mayor, I know that I and the members of our City Council will work through our City Manager to ensure that police practices are consistent with community needs.

Second, law enforcement agencies are 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 Federal Bureau of Investigation, or the Equal Employment Opportunities Commission. These state and federal agencies have substantial power and authority to change local police practices as evidenced through Consent Decrees implemented in Los Angeles, Riverside and San Diego.

Third, through open records acts, police departments are subject to oversight by the media, privately funded interest groups like the American Civil Liberties Union (ACLU), and independent community members. All 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, our elected officials, other governmental agencies, private interest groups and the community all have a vested interest in our police department and together we conduct periodic external reviews of our police department's 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 increase, reflecting those of surrounding counties.***

I do not believe that communities within the County of Orange will face the amount or type of criminal activity that has affected our surrounding counties. One cannot draw conclusions from comparisons of counties with major cities like Los Angeles and San Diego with counties like Orange which is made up of 26 suburban cities, none of which have a population of over 400,000 and none of which are subject to the same social, political or infrastructure concerns of those surrounding major urban areas. Irvine, like many cities in Orange County, is often recognized as one of the safest cities in the country year after year.

Certainly challenges will occur as our police departments and our communities work together to maintain low crime rates, but I believe that the efforts that the Orange County police departments have made toward prevention, partnerships and problem-solving will form the foundation of a safe and secure community for years to come. The Irvine Police Department embraces the emerging diversity of our city. In collaboration with the Orange County Human Relations Commission, we build positive relationships with our diverse community by actively participating through

Community Oriented Policing Awards, the Hate Crime Network, Living Room Dialogues and police training initiatives.

**Recommendation 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.)

I do not support the expenditure of funds for near-term independent review. There are only a few experts nationwide who have the knowledge, training and experience to conduct such a review and there is no evidence that such independent review is any more effective than the reviews currently produced. The internal and external systems of checks and balances in place are functioning effectively and there is no evidence to suggest that the recommendations proposed by the Orange County Grand Jury would enhance the systems currently in place.

**Recommendation 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.)


Again, I do not support the expenditure of funds for near-term independent review. The Grand Jury 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. However, with the assistance of a federal Office of Community Oriented Policing Services grant, a community of practice has been established bringing together experts from across the nation and representatives of the twelve largest law enforcement agencies in the country to develop a system of best practices for accepting, investigating, and resolving community member complaints of police misconduct.

Commander Jeff Noble of the Irvine Police Department is one of the experts who are participating in this community of practice. It is the goal of the Office of Community Oriented Policing Services to develop recommendations of best practices within the next year. The Irvine Police Department is committed to its continuing efforts in supporting this community of practice and is open to the review, consideration and implementation of best practices as they are developed and I am committed to continuing to monitor, evaluate and address concerns that are brought to my attention as the Mayor of the City of Irvine.

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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 (949) 724-6234.

Sincerely,

A handwritten signature in blue ink, appearing to read "Beth Krom". The signature is stylized and cursive.

BETH KROM  
Mayor