

Office of the City Council



July 21, 2020

The Honorable Kirk Nakamura
Presiding Judge
Superior Court of California, Orange County
700 Civic Center Drive West
Santa Ana, CA 92701

Honorable Kirk Nakamura:

On July 1, 2020, the City of Tustin received the 2019-2020 Orange County Grand Jury Report "Protecting Those Who Protect and Serve." In accordance with Penal Code Sections 933 and 933.05, this letter will serve as Tustin's response.

Before responding to the specific findings and recommendations in the report, it warrants mentioning that the Tustin Police Department is a nationally accredited agency through the Commission on Accreditation for Law Enforcement Agencies (CALEA). As such, the Department maintains strict adherence to over 450 standards which are considered best practices in law enforcement nationwide. One of those standards specifically identifies an Employee Assistance Program (EAP). The goal of the standard is that the EAP should be designed to assist in the identification and resolution of concerns or problems, both personal or professional, which may adversely affect an employee's personal or professional well-being or job performance.

As part of this Grand Jury report there was a request for the City to provide a written response to the five of the six Grand Jury Findings (F1, F3, F4, F5 and F6):

Finding 1 (F1): the City and its Police Department agree that Peer Support Programs are effective in helping Peace Officers develop healthy coping techniques for themselves and their families.

Finding 3 (F3): the City and its Police Department agree that the benefits in the peer support statute, effective January 1, 2020, are important to Peace Officers and Peer Support Team members.

Finding 4 (F4): the City and its Police Department agree that it is important that Peer Support Team members receive periodic training.

Finding 5 (F5): the City and its Police Department agree that allocating a specific budget line item for Peer Support Programs will help ensure adequate training and continuation of the programs.

Finding 6 (F6): the City and its Police Department agree that continuous communications to Peace Officers about the Peer Support Programs is important to increase their awareness and use of the Peer Support Programs.

In addition, the Grand Jury Report also requests responses from the City to the following three recommendations:

- R2. The 2019-2020 Orange County Grand Jury recommends that all Peer Support Programs be in compliance with the peer support statute. (F3)

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- R3. The 2019-2020 Orange County Grand Jury recommends that Peer Support Team members receive periodic training and that completion of training is documented. (F4)
- R4. The 2019-2020 Orange County Grand Jury recommends that all law enforcement agencies allocate a specific budget line item for their Peer Support Program. (F5)

The City of Tustin and its Police Department understand the value of a Peer Support Program which is not only effective but operates according to all recommended guidelines and regulations. The responses below demonstrate that the Tustin Police Department's Peer Support Program operates within the Grand Jury recommendations:

R2: This recommendation has been implemented. Tustin Police Department General Order 1011 – *Peer Support and Assistance Program* - recognizes the value of an “in house” resource for employees and their family members. The policy addresses confidentiality between Peer Support members and employees, with the following exceptions:

- a) *Information concerning the commission of a crime*
- b) *The employee or a third party is a danger to themselves or to others*
- c) *Any violation of department policies, procedures, or City of Tustin Personnel Rules and Regulations*

The policy is in compliance with the peer support statute and ensures fairness and consistency in the conduct of all department members.

R3: This recommendation has been implemented. Peer Support Team members are required to attend training prior to inclusion into the Peer Support Program. Each year Peer Support Team members attend peer support conferences. Attendance is documented by Certifications of Completion placed in the recipients' personnel files and maintained by the Professional Standards Division Personnel and Training Officer.

R4: This recommendation has been implemented. The Tustin Police Department Peer Support Program has a budget line item funded annually during the budget review process. The Peer Support Program is listed in the Professional Standards Division operating budget under the line item for Training Expenses/Meetings.

The Grand Jury report on “Protecting Those Who Protect and Serve” was enlightening and highlighted the need for greater emphasis on Peer Support Programs in law enforcement. The City of Tustin and its Police Chief and Police Department staff will work diligently to ensure the Grand Jury recommendations continue to be applied consistently in order to better serve the members of the Department and the community.

Sincerely,



Dr. Allan Bernstein
Mayor

SG/KT/sha