



Newport Beach Police Department

Bob McDonell *Chief of Police*

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July 13, 2006

Orange County Grand Jury
Ms. Bette Flick, Foreperson
700 Civic Center Drive West
Santa Ana, CA 92701

Dear Foreperson Flick,

My office has received the Orange County Grand Jury report on “**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.

Response to Findings:

- 6.1 *Best Practices Goal:* We disagree wholly. The Newport Beach Police Department has adopted the principles in sample policies drafted and approved by the Orange County Chiefs and Sheriffs Association after appropriate legal review, the Commission on Peace Officers Standards and Training (POST), as well as those recommended by other professional organizations. We believe those policies and related procedures rise to the level of best practices. In addition, one of our staff is an attorney and serves as our Police Legal Advisor, who has as one of his primary responsibilities, the review of current law and case decisions as they apply to our policies and procedures to insure they *remain* “best practices”.
- 6.2 *Independent Reviews of LEAs:* We disagree wholly. The policies and practices of the Newport Beach Police Department are under regular scrutiny and review by the State and Federal Judicial Systems, the City Manager and City Council, the City’s Risk Manager, City Attorney’s Office, along with our own Police Legal Advisor and other Management Staff.
- 6.3 *Orange County is Changing:* We agree. The County is changing and growing. As a result, we believe that law enforcement agencies will face new challenges as the County grows and crime increases.
- 6.4 *LEA self-assessment:* We disagree partially. With regard to LEA monitoring, we already have sufficient procedures in place, along with both internal and external review, to insure we are following best practices. As a result, it is not agreed that

independent audits (at public expense), would provide sufficient levels of improvement in this area to warrant the additional expenditures required. Our Policymakers (City Manager and City Council), have the authority to call for such audits when they are not satisfied with the Department's performance in the Community. With effective policies and checks and balances already in place, the financial impact involved does not relate to the necessity.

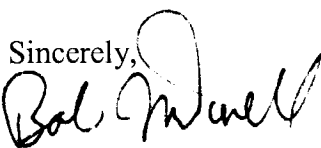
Response to Recommendations:

7.1 Best Practice Guidelines: The recommendation has been implemented. The Newport Beach Police Department receives regular recommendations from Legal Advisors from law enforcement professional organizations, State agencies like POST, County of Orange 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 and Department Legal Advisor, we adopt those best practices and recommendations on model polices. We would not however, be opposed to considering the value contained in a publication of Best Practice Guidelines by an organization like POST, as a self-assessment to the handling of any law enforcement issue.

7.2 Near-term, independent review of LEA policies, procedures, and compliance: This recommendation will not be implemented because it is the belief of the Newport Beach 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 Risk Manager.

7.3 Periodic, independent reviews of LEA compliance to policies and procedures: This recommendation will not be implemented for the same reasons stated in Recommendation 7.2

Overall, we appreciate the time spent on examining these issues even though we may not be in agreement with all of your conclusions and recommendations.

Sincerely,

Bob McDonell
CHIEF OF POLICE