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POLICE DEPARTMENT
(714) 993-8164

401 East Chapman Avenue - Placentia, California 92870

September 12, 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:

Please accept the following as the Placentia Police Department's mandated responses (per 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 6.1 **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.*

Response: Disagree with Finding 6.1. The Grand Jury refers to adopting policies and procedures that meet the best practices standard. Best practices are techniques or methodologies that, through experience and research, have proven to reliably lead to a desired result. A commitment to using the best practices in any field is a commitment to using all the knowledge and technology at one's disposal to ensure success.

State laws and court decisions related to law enforcement policies and procedures, as well as the investigation of citizen complaints, are in a continual state of evolution. The current policies and procedures of this Department are the result of an evolving process of staying current with these laws and decisions. The implementation and application of these evolving changes are overseen by professional police managers and experts outside the Department (Attorneys, City Administrator, City Attorney, POST and Professional Consultants.) Accordingly, it is our belief that this ongoing process meets the best practices standard.

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.*

Response: Disagree with Finding 6.2. Police Department practices, policies and procedures are continually subject to the scrutiny of independent reviews. While some of these reviews may originate from a unique source, reviews and compliance are also monitored on a regular basis through a number of other internal and external mechanisms. These include audits by POST, inspections by state or county agencies and recommendations from other City Staff, the City Attorney, private attorneys and consultants, retained specifically for these purposes.

The availability of these various reviews, whenever needed or desired, appears to be meeting the need for outside review; hence, I would disagree with Grand Jury Finding 6.2 that reviews are unique versus periodic.

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.*

Response: Agree with Finding 6.3. I would agree that the Placentia Police Department will likely face new challenges as the County and crime changes. However, the degree to which these changes are influenced or reflective of surrounding counties is not something that can be measured with any degree of certainty.

Finding 6.4 ***LEA self-assessment:*** *Using public/private sector management techniques such as best practices, self-assessment, and independent audits would improve LEA monitoring.*

Response: Partially disagree with Finding 6.4. As stated in 6.1 and 6.2, it is our belief that this agency is already working toward a best practice standard. This effort incorporates public and private sector management techniques as well as ongoing self assessment and input from external sources.

Most Orange County law enforcement is engaged in some form of ongoing self-assessment to ensure that their organizations are achieving their missions in accordance with their values. The Placentia Police Department and the City of Placentia already use the services of independent firms to conduct periodic reviews on internal systems. This is evidenced by the fact that many of these recommendations by the Orange County Grand Jury are already being implemented.

Based on how this current system is functioning, I would partially disagree with Grand Jury Finding 6.4 that independent audits (are needed, or) would improve law enforcement agency monitoring.

*Finding 7.1 **Best practices guidelines:** The Orange County municipal police departments should consider adopting or developing best practices guidelines appropriate for inclusion in LEAs' goals/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.)*

Response: Partially disagree with Finding 7.1. As stated in response to Finding 6.1, this Department currently utilizes a best practices standard for the ongoing development of policies and procedures, as well as the handling of citizen complaints. The Department not only follows state law and court decisions but also utilizes the expertise of a number of other professional organizations for guidance on these matters. This can include the California Commission on Police Officer's Standards and Training, the City Attorney, private attorneys and consultants employed specifically for this purpose. I believe this constitutes an evolving best practice which, as appropriate, this agency incorporates into our goals and objectives.

It is our belief that this ongoing process meets the best practice standard and that additional "Orange County" guidelines are not necessary, hence, we would not agree wholly with Recommendation 7.1.

*Finding 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.)*

Response: Disagree with Finding 7.2. I cannot support the expenditure of funds for an additional near-term independent review. The Placentia Police Department already spends considerable money for a contract with legal experts who have a proven record conducting such reviews. There is no evidence that an additional review would be any more effective than the reviews currently utilized by this agency.

I believe the current system of internal and external checks and balances is functioning effectively and there is no evidence to suggest that the recommendations proposed by the Orange County Grand Jury would enhance the systems in place.

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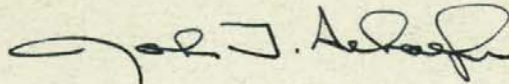
Finding 7.3 *Periodic, independent reviews of LEA compliance to policies and procedures:* *The Orange County municipal police departments, in cooperation with the Orange County City Mayors, should consider contracting for periodic, independent reviews of LEAs' policies and procedures, using best practices guidelines as criteria. (See Findings 6.2 and 6.3.)*

Response: Disagree with Finding 7.3. Neither I, nor the Orange County Chiefs' and Sheriff's Association, support the expenditure of additional funds for additional periodic independent reviews.

The current internal and external systems of checks and balances in place are functioning effectively and there is no evidence to suggest that there is a need for additional periodic independent reviews as recommended in Orange County Grand Jury Recommendation 7.3. The independent periodic reviews by law enforcement experts that this Department currently utilizes provide effective guidance and met the best practices standard. Accordingly, I cannot agree with Recommendation 7.3 that there is a need to expend additional funds for the review Recommendation 7.3 suggests.

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!*" Should you have any questions, or require any additional information, please do not hesitate to contact my office at (714) 993-8154.

Sincerely,



John T. Schaefer
Chief of Police

cc: Placentia City Council
Orange County Board of Supervisors
Bob Dominguez, Placentia City Administrator