

August 4, 2005

John R. Stites, II  
President  
Professional Peace Officers Association  
1100 Corporate Center Drive, Suite 201  
Monterey Park, CA 91754

Dear Mr. Stites:

This letter is in response to your comments regarding the Office of Independent Review (“OIR”) found in your “Straight Talk” article in the July 2005 edition of the Star & Shield. Please also consider this as a request to have this response included in the next edition of that publication. We are hopeful that this response may eliminate some of the confusion about the role of OIR that has been exhibited in your article and elsewhere.

You are correct when you stated that the role of OIR is strictly advisory. OIR has no ability or authority to make LASD or its managers do anything. OIR may offer recommendations regarding improving investigations, disciplinary decisions, training suggestions, or policy revisions but the ultimate authority to accept or reject such recommendations lies, as it should, with LASD itself. However, the ability to make such recommendations in all areas that may impact on misconduct has always been contemplated as broad and wide-ranging and is expressly set out in our originating 2001 contracts with the Board of Supervisors. As I am sure that you would agree, discipline is only one of many components necessary to address allegations of misconduct, and it would be unfair to all concerned for any oversight group to ignore the impact that inadequate internal investigations, insufficient training, or ambiguous policies have on the disciplinary outcomes of LASD employees.

We note your averment that we may be unqualified to make recommendations in each of these important areas. However, while we bring diverse experience in dealing with law enforcement, we rely heavily on the expertise found in the men and women of LASD, many of them members of your Association, in formulating OIR’s recommendations. You should also know that it is not our role to find fault with LASD or its people and a careful review of our case reporting shows agreement with many of LASD’s decisions in these areas. I think that, your observations notwithstanding, LASD supervisors would strongly disagree that the six attorneys of OIR have “taken over” the multitude of managerial decisions that are made on a daily basis for the good of the organization and the people of Los Angeles County.

Your stated unhappiness notwithstanding, unfettered access to information and the ability

to make recommendations regarding the disciplinary process are essential elements to effective oversight and a more progressive Department. If an oversight group is to make recommendations that are grounded in fact, there must be complete access to the information that forms the bases for those recommendations. I am confident that you would not want OIR recommendations that may impact on members of your Association to be based on incomplete or skewed information. With regard to the recommendations themselves, it is an enlightened Department that has the confidence to listen to outside independent voices – not to cede the ultimate authority to make decisions - but to be better armed with an outside perspective in making those decisions. The vitality of OIR is only one indication that LASD has stepped out of the traditional insularity that has too often caused a rift between law enforcement organizations and the people they serve.

As I have indicated in the past, we remain ready to discuss with you any matters discussed in this correspondence or any other matters of mutual interest.

Very truly yours,

Michael J. Gennaco  
Chief Attorney  
Office of Independent Review