



Westminster Police Department

Response to the Report of the Office of Independent Review

January 28, 2015



Westminster Police Department

Kevin Baker, Chief of Police

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Honorable Mayor Tri Ta, City Council and City Manager:

In October of 2014, Michael Gennaco, Chief Attorney of the OIR Group, completed a systemic review of the policies, procedures, and practices of the Westminster Police Department. This was in response to the February 2014 federal trial where the jury awarded \$3.3 million dollars to three Westminster Police Officers who had alleged that they had been subjected to discriminatory practices and retaliation.

Although Mr. Gennaco praised many of the department's reforms since the federal trial, he did outline 61 recommendations on how he believed the department would benefit and be more effective in our community.

We recognize this as an important time in our history to take a step back and examine the policies, procedures, practices, and cultural norms of the department for the betterment of all employees and the quality of service we deliver to the community. An important component of improvement for any police department is constant self-analysis and audit that is congruent with community expectations and contemporary best practices.

We believe that it is important to respond in writing to all of the recommendations made by OIR and to provide some additional information on some of the steps that were undertaken by the Department on its own during the time that Mr. Gennaco was conducting his review.

This response is intended to be a "living document" as it will need to be adjusted and modified as additional factors may occur. However, it is my sincere belief that the Westminster Police Department is on the correct path towards being a model police agency and that the men and women who serve this great community are committed to the principles that go far beyond the following recommendations.

In no way should this report be construed as an attempt to overshadow or marginalize the fine work of the men and women of this department. Rather, it is to identify those areas of improvement that will foster trust, confidence, security and an overall rewarding experience for all employees as well as provide the transparency we all seek.

Respectfully,

Kevin Baker
Chief of Police



Item 1

The Special Assignment Selection Process Was Informal, Providing a High Degree of Unfettered Discretion to Department Decision Makers and Subject to Successful Argument that It Was Influenced by Inappropriate Factors.

Recommendation 1

The special assignment selection process should consider whether recent disciplinary history and/or whether disciplinary history involving integrity issues should be automatic disqualifiers for special assignment consideration.

We agree. The Chief of Police has discretion to select any candidate for a Special Assignment position who has ranked within the top-five of all candidates who applied for the position. The Chief of Police considers the candidate's disciplinary history when selecting a candidate for one of these positions and while there are no current automatic disqualifiers for special assignment consideration, it is within the chief's discretion to not select anyone in the top-five who has a recent serious disciplinary action. Moreover, we are reviewing the ability of the Chief of Police to disqualify an applicant from applying for a special assignment as part of their discipline when that discipline is imposed.

Recommendation 2

The special assignment selection process should consider whether objective criteria such as level of educational attainment should be built into the scoring and selection process.

We agree. Although special assignments are not promotions, we have determined certain objective criteria as minimum qualifications for these positions. An applicant must be off of probation; they must have three years of experience as a sworn police officer (either at WPD or another department); and they must have achieved an "Acceptable" overall rating on all performance evaluations in the last 18 months.

Moreover, for all "Category I" special assignments (detective positions) all applicants must complete an objective written test and be rated by an external oral board to ensure that the most qualified applicants are appointed.

Finally, the rating process does obtain objective criteria regarding educational level. The internal review board that is managed by CPS has a rating form to be completed by the evaluators on all candidates. The first question on that rating form is, "What formal education have you fully completed?" The evaluators are provided the following scoring mandate:

1 = High School Diploma; 2 = Associate Degree; 3 = Bachelor's Degree; 4 = Master's Degree; 5 = Doctorate.



Recommendation 3

The special assignment selection process should set out in writing what specific materials will be collected for purposes of evaluating and scoring the applicants and who is responsible for collecting and collating that information.

We agree. The department did have in place section 1029.8 that identified the selection procedure for special assignments. We have now modified that policy to indicate that candidates are to complete a Westminster Police Department application (Form PD-168 Promotional Application). The application directs the candidate to provide a copy of their Military Form DD-214 (if applicable), training certificates and other applicable training information, transcripts and diplomas from formal education, and performance evaluations for the past five years.

The Special Assignment job flyer also directs the candidate to submit the completed application and related attachments to the City of Westminster Human Resources Division, who is responsible for collecting and collating the applications and attachments.

Recommendation 4

The special assignment selection process should set out in writing by whom and how long the special assignment application and review materials will be retained.

We agree. The Special Assignment job flyer will be modified in the future to reflect that the Special Assignment applications and related materials will be retained by the City of Westminster Human Resources Division in accordance with their retention policy and by the Department's Professional Standards Unit.

We have added section 1029.17 to our policy manual that states, "All department applications for special and collateral assignments will be retained electronically in the Professional Standards Unit indefinitely. The original copies will be forwarded to City Hall Human Resources for filing."

Recommendation 5

The special assignment selection process should set out in writing whether the scoring of applicants has an appeal process and if so, set out the details of that process.

We agree. City of Westminster Human Resources Division is currently reviewing a recent audit of their division and considering revising sections of the city policy. The Director of Administrative Services joins in support of this recommendation and will consider making a city-wide change in policy to include an appeal process for all selections, including police department special assignments.

Item 2

The Need to Develop Additional Protocols to Ensure Consistency of Treatment of Employees

Supervisors' Logs: A Need for Further Guidance



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Recommendation 6

WPD should expressly articulate that Supervisory Logs are not considered discipline and indicate their intent.

We agree. We have amended department policy section 1026.7.2 to state, "Supervisor Log entries are not considered disciplinary actions."

Recommendation 7

WPD should develop protocols requiring second level supervisors to audit the use of Supervisory Logs by sergeants to ensure consistency of use and treatment.

We agree. We have amended department policy section 1026.7.2 to state, "All entries made into a Supervisor Log entry shall be completed on WPD form PD-109 and approved by a Commander prior to being issued to the employee."

Recommendation 8

WPD should consider whether written protocols should be developed requiring that all performance log entries are to be referenced in the employee's annual performance evaluation.

We agree. We have amended department policy section 1026.7.2 to state, "All entries made into an employee's Supervisor Log should be referenced in their annual performance evaluation."

Accountability Guidelines Designed to Promote Consistency of Treatment

Recommendation 9

WPD should consider adopting an accountability guidelines system to build more consistency into its decision making on accountability and discipline.

We agree. Although we have not implemented a disciplinary matrix, we do use specific criteria in determining the appropriate level of discipline. We have now included those criteria into department policy section 340.12:

340.12 CONSISTENCY IN ACCOUNTABILITY AND DISCIPLINE

To build consistency into decision making on accountability and discipline, specific criteria will be used to determine the appropriate level of discipline. That criteria includes:

- (a) The severity of the offense
- (b) The employee's disciplinary history
- (c) The employee's past performance record
- (d) The employee's length of service
- (e) Our past practice of dealing with similar infractions
- (f) The level of remorse expressed by the officer



- (g) Whether warnings were given
- (h) The impact of the employee's conduct on the organization
- (i) The status of the employee (line/supervisor/manager)
- (j) Mitigating factors like an apology or a mistake committed while performing an action based on good intentions
- (k) Aggravating factors like an intentional bad act

Item 3

WPD's Performance Evaluation Program

Acceptable Performance Ratings Should Have As Much Supporting Documentation as Any Other Category and Written Guidance to the Contrary Should be Removed

Recommendation 10

Westminster PD should revise its policy on performance evaluations that discourages setting out detailed supporting documentation for "acceptable" performance ratings.

We agree. The OIR has pointed out several issues with the department's performance evaluations. We recognize several issues with our current process of performance evaluations and agree with the OIR that supervisors should provide detail for all of their ratings. Encouraging raters to provide little or no documentation for an acceptable employee encourages some raters to seek an acceptable rating to avoid having to prepare a detailed document. This practice undermines the opportunity to provide the employee with concrete examples that will allow employees to move from an "acceptable" rating to a higher rating.

The department is reviewing the entire performance review system including the forms; employee feedback; supervisor directions for completing the reviews and supervisory training. It is our goal to implement a revised performance evaluation system in 2015.

Elimination of the "Shift Average" Metric from Performance Evaluations

Recommendation 11

WPD should discourage the use and articulation of arrest/citation shift averages in evaluating officer performance.

We agree. In policing some supervisors may improperly default to conducting a review of only citation and arrest numbers when evaluating an officer's performance because the supervisor sees those numbers as an "objective" method to conduct a performance review and allows the supervisor to avoid the more difficult task of addressing employee performance concerns in other areas. While the fact that an officer has made arrests and issued citations may be a component of a performance review, it should never be a single focus of the officer's performance. Indeed, an officer may have written a large number of citations, but if those citations were focused on issues other than public safety needs or the best interests of the community, the number of citations may be an indicator of poor performance.



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The Westminster Police Department is currently conducting an evaluation of the department's entire performance review process and expects to implement an entirely new process by 2015.

In the interim, specific direction has been provided to all commanders and all sergeants that they are not to use arrest/citation shift averages in the performance reviews of officers.

Moreover, that direction has been added to department policy section 1002.5.1 that states, "Evaluators are strongly discouraged from using arrest/citation shift averages when evaluating an employee's performance."

The Need to Address Needs Improvement Evaluations, to Develop Performance Improvement Plans, and to Ensure that Goals Are Meaningfully Fostered

Recommendation 12

When an officer is rated as needing improvement in performance with regard to certain subcategories, the supervising sergeant and Department commander should work with the employee to devise a plan designed to address and remediate the performance issue.

We agree. We have adopted language in department policy section 1002.5.2 that requires anytime an employee receives an overall "needs improvement" rating that the employee will be placed on a Performance Improvement Plan (PIP) designed to address and remediate the identified performance issue. The PIP will identify specific performance issues along with goals, objectives and a training plan to assist the employee to achieve a competent rating.

Recommendation 13

The Department should check in at least quarterly with regard to officers who are rated as needing improvement to gauge the effectiveness of the corrective action plan.

We agree. We have amended policy section 1002.5.2 and it now requires that supervisors meet monthly with any employee who has been placed on a Performance Improvement Plan and that the supervisor shall provide written feedback as to the employee's performance and progress. Moreover, the policy requires that supervisors should meet with the affected employee weekly for verbal feedback, training and mentoring designed to assist the employee in overcoming their performance issues.

Recommendation 14

Sergeants should be required to work with officers to devise plans intended to accomplish goals set out in the performance evaluation.

We agree. An important part of the development of the Performance Improvement Plan is to encourage input from the affected employee in order to address the employee's performance concern. It is the goal of the WPD that a PIP should not be a "top-down" document directing employee change, but rather a collaborative effort designed to help, encourage and facilitate improvement in deficient areas of the employee's performance.

We have amended policy section 1002.5.2 to state, "Commanders should work with the employee to devise a plan designed to address and remediate the performance issue."



Recommendation 15

A critical element of a sergeant's performance evaluation should be the skill with which he or she evaluates officers, the degree to which he or she effectively works with command staff to remediate performance issues or document attempts at doing so, and the success with which officers under his or her command achieve career enhancement and advancement goals.

We agree. We believe a sergeant's skills and abilities to identify employee performance issues and to address those concerns through a Performance Improvement Plan by training, mentoring and developing the employee is one of the core functions of a police sergeant. Language has been added to policy section 1002.5.2 that states, "A critical element of a sergeant's performance evaluation should be the skill with which he or she evaluates officers, the degree to which he or she effectively works with command staff to remediate performance issues or documents attempts to do so, and the success with which officers under his or her command achieve career enhancement and advancement goals."

In furtherance of this goal, the department has already provided training for all supervisors on the mechanics of a PIP.

Performance Evaluations Should Be Reviewed as Important Feedback to More Fundamental Issues That Might Be Impacting the Department

Recommendation 16

WPD should train its supervisors to be more attuned to complaints of poor treatment articulated by police officers and other staff and of the need to forward such complaints to command staff for careful consideration and handling.

We agree. We have already conducted supervisor training regarding the Peace Officers' Bill of Rights (July 2014); Performance Improvement Plans (August 2014); and the Grievance Process (December 2014). We have scheduled supervisor training by renowned experts in their respective fields. In 2015, we have four seminars by Gordon Graham scheduled that include; Supervision 101 – The Basics for New Supervisors; The Importance of Discipline; Maximizing the Effectiveness of Performance Evaluations and 5 Concurrent Themes for Success, as well as seminars by Dr. Chris Dreisbach on ethics and Dr. Kevin Gilmartin on emotional survival for law enforcement (additional detail is provided on each of these seminars below in this report).

It is also important to note that every WPD supervisor receives 80 hours of supervision training upon their promotion to sergeant, we have developed a supervisor's training manual, and all supervisors attend the POST approved Supervisory Leadership Institute (SLI).

ITEM 4

WPD Should Instill Mechanisms to Ensure Compliance with the Letter and the Spirit of Federal Law Protecting Rights of Persons on Active Military Duty

Recommendation 17

WPD should interpret USERRA broadly and make any reasonable accommodations to ensure that officers who are militarily deployed are aware of and can compete for promotional opportunities or other career



advancements to the degree feasible.

We agree. The WPD follows the City of Westminster policy regarding USERRA requirements. We will continue to make all reasonable efforts to ensure that officers who are militarily deployed are aware of and can compete for promotional opportunities or other career advancements. We are also working with the City to develop a city-wide USERRA policy and whether or not to provide a veteran's preference for hiring decisions.

The WPD was recently the subject of a review by the Department of Labor regarding our application of USERRA and the Department of Labor/Veterans' Affairs did not identify any failures on the department's behalf.

We will continue to interpret USERRA broadly and make any reasonable accommodation for military personnel. The WPD has a proud tradition of expressing our support of members of the military. For example, for the last three years at the department's annual awards ceremony all members of the military are called to the stage to be recognized; we proudly display "Support our Troops" stickers on every marked patrol car; we have adopted USMC 3rd AAA Battalion from Camp Pendleton and display their unit decal on all marked police vehicles; we recently created a department policy allowing military members to wear their military ribbons on their police uniform during Veteran's and Memorial week; since 2008 we host a Veteran's Day gathering to honor employees who are either active or veterans for their service to our country; and we have conducting recruitment efforts at Camp Pendleton and through the "Hiring Our Heroes" program.

Item 5

WPD's Accountability/Disciplinary Process

Employees Who Are the Subjects of Internal Investigations Resulting in Possible Termination Should Continue to Be Relieved of Duty During the Pendency of the Investigation

Recommendation 18

WPD policy should be revised to make clear that the decision whether to place an employee on inactive duty should rest with the Chief.

We agree. We have amended department policy section 1020.4 – Assignment to Administrative Leave and that section now states in part, "the decision to place the employee on inactive duty rests solely with the Chief of Police."

Recommendation 19

WPD protocols should be adopted to ensure that investigations involving employees who have been placed on inactive duty should be expedited.

We agree. We have amended department policy section 1020.8 – Assignment to Administrative Leave that states in part, that supervisors should ensure that the "investigations involving employees who have been placed on inactive duty are expedited."



WPD should adopt investigative protocols with more timely completion expectations.

Recommendation 20

WPD should set out investigative guidelines for completion of internal investigations that signify its interest in timely administrative investigations.

We agree. We have amended department policy section 1020.8 – Completion of Investigations to state that “generally, investigations involving personnel complaints or other alleged misconduct should be completed within 90 days. If such an investigation will require longer than 90 days, the assigned investigator should receive written approval from the Deputy Chief or Chief of Police.”

Performance Expectations Regarding Completion of Reports Are Not Always Clearly Set Out

Recommendation 21

WPD should set out in writing its expectations for when reports should be completed.

We agree. Section 344.1.1 of our policy currently states, “It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.”

We have also added the following language to section 344.1.1. “Supervisors must ensure they are consistent in their interpretation of this policy. Each supervisor should monitor the activity of their employees during each shift and stress the importance of completing reports prior to going off duty. Generally, when the circumstances are appropriate and there is no follow-up action, active leads, or suspect in-custody, a supervisor may authorize a report to be held until the employee’s next scheduled work day. If a report hold is authorized, the supervisor shall ensure the face page of the DR is completed in Alliance. In the summary section, the employee should list a brief summary of the incident and the supervisor who authorized the hold. This will provide notice to other supervisors if they are asked the status of the report. A supervisor who authorizes a report to be held should ensure the report is completed by the employee on their next scheduled shift.”

Positive Steps Toward the Implementation of an Early Identification System

Recommendation 22

In finalizing its Early Identification System policy, WPD should consider questions of additional indicators, additional thresholds, solicitation of first level supervisors for candidates to the program, soliciting employee feedback on the success of the program, consideration of whether first level supervisors should be candidates for the program, how the system interrelates to employee evaluations, and how the progress of the program will be reported out to the City Manager and City Council.

We agree. Over three years ago, the WPD purchased a computer program (IAPro) designed to track Internal Affairs investigations and other data that functions as an early warning program. Although the program was installed and has been working for over three years, the department did not have a formal



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early warning policy.

As discussed in more detail below, the Westminster Police Department on its own initiative, created an Early Identification and Intervention System, often called an Early Warning System, policy during the period when the department was under review by the OIR. We agree with the recommendations made by the OIR and have incorporated those suggestions into the final version of the department's Early Identification System that has been codified as section 301 in the department's policy manual.

Professional Standards Unit and Internal Affairs Investigations – Steps Forward and Recommendations for Improvement

Recommendation 23

WPD should set out written guidelines regarding which internal investigations are to be handled by the Professional Standards Unit.

We agree. In January 2011, an Indexed Briefing¹ was approved that designated the responsibilities of PSU. Those responsibilities have now been incorporated into the department policy section 801. In that policy, administrative investigations were assigned as follows: "Primary responsibility for investigating the following internal affairs issues rests with PSU:

- a. All citizen complaints (written or otherwise) shall be forwarded to PSU. PSU will determine the investigative course of action to take once the complaint has been evaluated. At the discretion of PSU, other supervisors may be assigned investigative responsibility;
- b. Incidents involving arrests and/or criminal conduct of Westminster Police;
- c. Very complex internal affairs investigations including incidents of a complicated nature that might otherwise extraordinarily tax another supervisor's resources and capabilities;
- d. Serious policy violations of a sensitive nature or of a newsworthy nature;
- e. Allegations that involve numerous and/or repeated policy violations and/or issues;
- f. Any other circumstances at the discretion of the Chief of Police, Command Staff, and/or PSU Commander."

After reviewing the Indexed Briefing and the recommendation of the OIR, we have amended our department policy and have added the following language to the department's policy to address this recommendation:

Generally, PSU should conduct investigations of allegations that include:

- Dishonesty
- Criminal misconduct
- Bias/Discrimination

¹ "Indexed Briefings" are policy modifications that are designed as notifications of policy changes when a policy is amended, but the manual has not yet been updated. Indexed briefings are designed to be temporary and should be incorporated into the department's policy manual.



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- Domestic Violence
- Insubordination
- Benefit abuse
- Alcohol/substance abuse
- Pattern of neglect of duty
- Retaliation
- Sexual misconduct
- Use of force resulting in an injury
- Theft
- Unbecoming conduct of a serious nature
- Complaint involving a significant number of witnesses and/or evidence
- False imprisonment
- False arrest
- Complaint likely to involve potential civil liability
- All complaints arising from civil suits or claims for damages
- Unlawful search
- Any complaint likely to result in significant discipline or termination
- Any other complaint deemed necessary by the Chief of Police

Generally, the chain of command (commander and sergeant who directly supervise the impacted employee) should conduct investigations into allegations that include:

- Unbecoming conduct of a relatively minor nature
- Discourtesy
- Improper remark
- Minor neglect of duty
- Failure to appear in court
- Failure to qualify with firearm
- Traffic collision
- Procedure complaint
- Any other complaint as directed by the chief of police

External investigators may be used to conduct administrative investigations at the direction of the Chief of Police and/or the City Manager and should generally be assigned to the following types of



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investigations:

- At the discretion of the Chief of Police, any investigation involving a member of the command staff where there is a real or perceived conflict of interest between the assigned investigator and the subject officer
- At the discretion of the City Manager, any investigation where the Chief of Police is the subject officer
- At the discretion of the Chief of Police, any investigation where there is a real or perceived bias

Recommendation 24

WPD should examine current policy to determine whether it is consistent with current expectations regarding who should have primary responsibility for internal investigations.

We agree. By adding the language as discussed in recommendation 23 to our policy we can clarify the responsibilities of the PSU unit and provided direction for the primary responsibility of administrative investigations.

WPD's Complaint Form: Removal of Language that Could Chill Complainants

Recommendation 25

The language on the Department's personnel complaint form advising persons who make false complaints that they could be subject to a defamation lawsuit by police officers should be removed from the form.

We agree. While the language referred to by the OIR is consistent with the California Civil Code, the OIR is correct that there is no legal requirement that the warning language be placed on the complaint form. It is the goal of the WPD to encourage community members to register a complaint when they believe they have been aggrieved or in instances where community members believe the WPD may be able to provide better service. In light of the OIR's recommendation, we have removed the warning language from our complaint forms and changed the language to be more accepting of complaints. The new language incorporated into the department's complaint form is as follows:

"The Westminster Police Department welcomes your complaints and constructive criticism in the interest of better law enforcement. A relationship of trust and confidence between members of the Police Department and the Community is essential to effective law enforcement. Police employees have a special obligation to act in a professional manner and respect the rights of all persons they contact. Therefore, citizens are encouraged to bring complaints about Department operations and the conduct of its employees to the attention of the Westminster Police Department whenever a citizen believes that such action was improper.

The Westminster Police Department acknowledges its responsibility to establish a fair system of complaint and disciplinary procedures which may subject employees to corrective action when they conduct themselves improperly, but will also support employees when they properly discharge their duties. The purpose of these procedures is to provide the public with a just, open, and expeditious investigation of complaints regarding the conduct of employees of this Department.



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The procedures of the Westminster Police Department include: "You have the right to make a complaint against a police officer for any improper police conduct. California law requires this agency to have a procedure to investigate personnel complaints. You have a right to a written description of this procedure. This agency may find after investigation that there is not enough evidence to warrant action on your complaint; even if that is the case, you have the right to make the complaint and have it investigated if you believe an officer behaved improperly. Personnel complaints and any reports or findings relating to complaints must be retained by this agency for at least five years."

If you have any questions regarding these procedures, please contact the Office of the Chief of Police, Monday through Friday, during normal business hours.

*Sincerely,
Kevin Baker
Chief of Police"*

Laudable Practices on Internal Investigations

We appreciate OIR's acknowledgement of the "best practices" of internal affairs investigations by the WPD that included the department's efforts to investigate an allegation of misconduct even after the complainant attempted to withdraw their complaint and the practice whereby an investigation into a complaint uncovered other misconduct and the misconduct unknown to the complainant was the basis for disciplinary action.

The WPD recognizes its responsibility to identify, root out and resolve allegations of misconduct and we take this responsibility seriously. It is our expectation as professional law enforcement officers that all members of the WPD will behave in a manner consistent with the mission, vision and values of the department, we recognize the responsibility of all of our employees to report misconduct when it becomes known to them, and that our supervisors and managers will proactively conduct audits to ensure that our employees are performing consistent with the high expectations of the community.

Concerning Practices re Internal Investigations

Recommendation 26

WPD should set out in writing internal protocols noting that the mere fact that a different result is reached about a disciplinary matter in another forum is in and of itself no reason to revisit the Department's decision.

We agree in part and disagree in part. Generally, we agree the fact that a different conclusion is reached in a different forum may not impact the reasonableness of a decision made by the department. However, we believe that it is a good practice to review the decision made in the subsequent forum to ensure that we follow appropriate procedures and that our decision was indeed reasonable. While the OIR points out a decision where the department sustained allegations against an officer and those findings were later changed after a civil trial that exonerated the officer, we can foresee situations where the department may not sustain allegations and a civil jury may find liability. We believe that we would be remiss if we did not consider the jury's findings and revisit our initial investigation to ensure that our



investigation and findings were indeed reasonable. Although we believe it is a good practice to revisit the initial investigation, we agree with the OIR that we should not change our findings unless there is new evidence or unless we discover that the investigation was flawed in a material way that led us to make an improper finding.

The department has added the following language to section 340.10 of the department's conduct policy: "The mere fact that a different result is reached about a disciplinary matter in another forum (i.e., civil proceedings) is in and of itself no reason to change the department's decision regarding an investigation."

Recommendation 27

WPD should institute protocols that would allow revisiting of an original disciplinary decision only when there is new evidence presented warranting such additional review.

We agree. As discussed above, we believe it is a good practice to "revisit" the initial investigation, but any changes to the finding should be based on the discovery of new evidence or evidence that the initial investigation was materially flawed and that flawed investigation led the department to make an inappropriate finding.

The department has added the following language to section 340.10 of the department's conduct policy: "The decision to change any original disciplinary decision should only be made when there is new evidence presented warranting such additional review, or when there is evidence that the original investigation was materially flawed and that flawed investigation led the department to make an inappropriate finding."

Officers Should Not Be Removed from Collateral Assignments Based on Unproven Internal Investigations

Recommendation 28

WPD should create an internal protocol indicating that officers will not be removed from collateral assignments based on unproven internal investigations.

We agree. The following language was incorporated into policy section 340.4.2: "No adverse action (e.g., letter of reprimand, suspension, and removal from assignment, suspension, demotion or termination) shall be taken against any employee based upon any unproven internal investigation."

The DEFH investigation lacked sufficient breadth and scope.

Recommendation 29

When allegations of mistreatment extend to command staff decision makers, the Department should assign any subsequent investigation to individuals outside of the Police Department.

We agree. Historically, the WPD has not employed external investigators to conduct administrative investigations; however, we have recently begun the practice of employing external investigators particularly for workplace harassment, discrimination and retaliation complaints made by members of the department as these types of complaints often involve supervisors as subject officers and the goal of



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WPD is to have a full, fair and thorough investigation completed. While we have a responsibility to balance the financial costs of an external investigator, we recognize that in certain cases an external investigator may be an appropriate expenditure of city funds. We also recognize that it may be difficult for an investigator to investigate their superior officers and agree in those circumstances that an external investigator should be assigned the investigation and should report to an individual of a higher rank than the subject officer or to the City Manager.

Thus, we have amended our policy and added section 801.4 that states, "Anytime there is a perceived conflict in conducting an administrative or internal investigation, the Chief of Police may direct the PSU Commander to contract the investigation to an outside, independent investigator."

Performance to Standards Policy

Recommendation 30

WPD should adopt a "performance to standards" policy which can be used to hold officers accountable when an officer's performance is so below the expectations of the Department's training that discipline is warranted.

We agree. The Westminster Police Department has policies in place that address this concern. Policy section 340.3.5 (c) states, "Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bone fide excuse. Policy section 340.3.5 (m) states, "Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies herein."

We have added the following language to policy 340.3.5 (e): "Employees are expected to maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions and that they will be expected to perform their duties in a manner which will tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Department."

Making Additional Use of WPD's Mission/Values/Vision Statement

Recommendation 31

WPD should consider charging officers with violating the tenets of its Mission Statement in appropriate disciplinary matters.

We agree. We believe that our mission, vision and values sets the course for our organization and the behavior of our employees. Based on the OIR's recommendation, we have begun to include a reference to the department's mission, vision and values on every occasion where an employee is disciplined to remind the officer that they have not only violated a department rule, but the mission, vision and values of the organization.

Further, we have added the department's mission, vision and values to the department's codes of conduct under policy section 340.3.5 (f) allowing the department to formally discipline an employee



whose conduct falls below what is expected.

Questioned Utility of Appeal of Disciplinary Determinations to City Manager

Recommendation 32

32(a) The City should further examine the utility of the City Manager disciplinary review process and consider eliminating it.

We agree. The use of what has become known as a “Super Skelly” that requires the City Manager to effectively hold a second Skelly hearing after the Chief of Police is overburdensome and does not serve a meaningful purpose. Indeed, the Police Officers’ Association is in agreement that the City Manager’s Skelly process should be eliminated.

Although there is agreement between the parties that the City Manager’s Skelly process should be eliminated, that provision is part of the employees’ Memorandum of Understanding and formal negotiation between the City and the Police Officers’ Association must be held to make any changes or amendments to the contract. Unfortunately, the MOU was recently ratified through contract negotiations and the opportunity to make modifications has passed. We are reviewing if any opportunities exist for the implementation of a side letter, otherwise we will be making this recommendation for future negotiations.

32(b) Should the City determine to retain the City Manager appeal process, it should provide an alternative mechanism for review when the City Manager had been involved in the decision as an agency head.

We agree. Should the City Manager’s Skelly not be eliminated through the contract an alternative mechanism for review should be implemented when the City Manager was involved in the disciplinary process as the department head (in the past, the WPD had a circumstance where the Chief of Police held a Skelly, the Chief of Police was then appointed as the City Manager creating a situation where the same person held the Skelly as both the Chief of Police and as the City Manager).

Item 6

The Need for Further Clarity and Guidance Regarding the Use of Digital Activated Recorders

Recommendation 33

33(a) WPD should delete the reference in current policy to personally owned recorders.

We agree. We have deleted “regardless of whether those recordings were made with department-issued or personally owned recorders” from policy section 450.3, so all recordings will be required to be made by a department recorder.

33(b) WPD policy should include a reference toward the officer’s responsibility to maintain their recorders in working order and check the batteries prior to going on shift.

We agree. Westminster Police Department policy section 450.4 has been amended and states, “Prior to



going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder, issued by the department, and that recorder has charged batteries and is in good working order.”

33(c) WPD policy should direct officers to include in their police report an explanation whenever a police contact or interview is not captured on tape.

We agree. We have added the following statement to the end of policy section 450.5: “Whenever an officer fails to record all or part of a contact as described in this policy, that omission shall be documented in the officer’s report including an explanation of the cause for the failure to record.”

33(d) WPD policy should include a requirement that all audio recordings of an incident will be reviewed and attached to any personnel investigation or force review.

We agree. We have amended policy section 450.9 to state that “Supervisors shall review all relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct, uses of force, or whenever such recordings would be beneficial in reviewing the member’s performance.”

Item 7

Progressive Mechanisms for Internal Evaluation of Departmental Functions

The Use of Performance Audits for Internal Assessments

Recommendation 34

WPD should consider use of audits to detect individual and systemic performance issues.

We agree. We have implemented two different policies to address these concerns. The first, is a policy commonly referred to as an Early Identification and Intervention System (EIS) which is discussed elsewhere in this report. The second is an Audits, Controls and Inspections policy which was established to formalize the process by which the systems and units of the Department will conduct annual or other periodic inspections or audits to ensure compliance with established policies, procedures and orders.

Policy section 303 requires a number of audits that include: Driver’s license status; Domestic Violence firearm restrictions/criminal history review; workplace inspections; petty cash; cellular phones; payroll; work schedules; digital recorder; Lexipol; firearms; uniforms; court filings; MDC messages; department vehicles; traffic equipment; buy money; flash money; asset forfeiture files; confidential informant files; intelligence files; police facility; property; animal services; and the canine unit.

Quality Assessment Outreach

Recommendation 35

WPD should consider developing an outreach program whereby it systemically seeks out feedback from the community on the performance of its officers.

We agree. For at least the last ten years patrol supervisors have been required to contact community members who had some type of contact by a Westminster officer. The supervisors are required to



contact one community member per month for every officer under their command. The purpose of these contacts is to gain community feedback. The supervisors must then complete a contact card, noting the reason for the initial contact by the officer and any comments that the community member may have. Those community contact cards are forwarded through the chain-of-command for review and are ultimately reviewed by the Chief of Police.

Although it has been the practice of the WPD to seek these comment cards for many years, we have now added that requirement to department policy section 303.3(b)5 that states, "To insure their employees are providing quality customer service, patrol sergeants are required to complete one supervisor follow-up card each month for each of their assigned officers. The cards will be forwarded to the Area Commander, then to administration."

We recognize the importance of community feedback and are engaged in ongoing discussions regarding better methods of gaining this valuable information. As a first step, we have modified our report forms to capture community members' email addresses to enhance our ability to make these contacts in the future.

It is our goal to enhance our community feedback systems and we are currently reviewing other methods to provide greater insight to the department and city administration.

The Need to Ensure that Corrective Measures Are Implemented

Recommendation 36

WPD should ensure that it has an effective system to ensure that remedial actions ordered for officers are, in fact, achieved.

We agree. We are aware that in the past some employees were required to attend training as a component of a disciplinary recommendation and there is no record that the employee ever actually attended the training. In response to this recommendation, we have added language to our policy section 340.11 that states, "If remedial actions are ordered as the result of poor performance or conduct, the Professional Standards Unit is responsible for monitoring progress and ensuring completion. The completion or failure to complete the remediation shall be documented by the Professional Standards Unit in the appropriate IA Pro case file."

Item 8

Alternative Methods of Resolving Performance Issues

Mediation

Recommendation 37

WPD should develop a mediation system as an alternative way to resolve disputes among the community and its officers.

We agree with the concept of mediation, but are considering whether a mediation program would be successful in the City of Westminster. The benefit of a mediation program with regard to a personnel complaint in policing is that it allows both sides of a dispute to be heard and addressed and it allows all of the parties of a dispute to work toward a durable solution. Mediation fosters an understanding



between the community and the police department and promotes empathy for both the community member and the officer. Most often, mediation is meaningful in policing to resolve complaints of discourtesy or rudeness or where the community member may believe the officer acted in an unprofessional manner.

While we recognize the value of a mediation program, we are reviewing the volume of these types of complaints that may be amenable to a mediation program and the ability of the department to collaborate with a professional mediator to assist in finding a resolution to the dispute. Thus, this recommendation is still under review and may be implemented in the future.

Pre-Investigative Resolutions

Recommendation 38

WPD should consider developing protocols and policy permitting the Department and the employee to address potential policy violations without the need to resort to a full, formal, and time consuming administrative investigation.

We agree in part. We are certainly open to developing protocols to address policy violations without conducting a full investigation, but recognize the lack of a full investigation may prevent the department from becoming aware of the extent of the misconduct and may prevent the department from addressing policies and training that may prevent other officers from engaging in similar misconduct in the future.

Some police departments have addressed this type of recommendation by developing a disciplinary matrix that provides an officer with an estimate or a range of the discipline that they will receive for particular acts of misconduct allowing the officer to in essence “plead guilty” to the allegation, thus eliminating the need for a full investigation.

While we are open to having discussions with employees or their representatives who have received certain types of allegations of misconduct regarding the level of discipline a sustained allegation would merit and to resolve the issue without a full investigation, there are many allegations where we believe that we have the responsibility to conduct a full investigation.

Alternatives to Standard Discipline

Recommendation 39

WPD should consider developing an alternative disciplinary system tailored to more artfully remediate the policy violation at issue.

We agree. We have added language to our department policy that allows the chief of police to implement alternative disciplinary actions tailored specifically to the officer’s misconduct. Traditionally in policing, officers are disciplined by receiving a letter of reprimand, some type of suspension or termination. Our goal in disciplinary actions has always been for the sole purpose of changing the employee’s offending behavior, rather than to punish, thus we recognize that some non-traditional disciplinary actions may be better suited to achieve our goals.

For example, some agencies require officers to engage in some type of community service to better



understand the community when an officer has acted in a rude or unprofessional manner. In this way the officer can see the impact of their behavior on community members. Other alternative disciplinary measures may include a "decision making" day off for the officer to consider their behavior and make a decision to determine if they are willing to conform their behavior to the department's requirements. After the decision making day off the employee is required to report back and affirm their commitment to the organization and its values, or face a traditional suspension or loss of pay.

Regardless of the form of the alternative disciplinary action, our goal is to provide the Chief of Police the discretion and ability to take meaningful steps to change employee behavior in the best interests of the employee, the department and the community.

Thus, we have added section 340.4.2 to our policy manual regarding alternatives to discipline that states, "At the discretion of the Chief of Police, alternative actions in lieu of discipline may be authorized. This can include additional training, community service, memorandums or other alternatives that address the issue."

Item 9 Use of Force

Language promoting "improvisation" should be removed

Recommendation 40

WPD should remove language in its force policy promoting improvisation in the way that officers use force.

We disagree. We do not believe that our policy in any way "promotes" the use of an improvised weapon or "improvisation" in the use of force. Instead, our policy states, "Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their responses to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilize only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose (WPD policy section 300.3)."

Rather than "promoting" improvisation, we believe that this policy section merely recognizes that we cannot train our police officers for every possible situation that may confront them. Moreover, the policy clearly directs officers that any use of force must meet the Constitutional standard of objective reasonableness.

While we believe the policy meets the needs of the organization, we recognize the critical importance of continuing professional training in use of force as we are committed to providing realistic, ongoing, and documented training.

Distraction Blows/Compliance Strikes

Recommendation 41



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WPD should reconsider its training protocols and policy regarding the use of "distraction blows." If distraction blows are to be authorized, officers should be provided more guidance on the allowable uses of force under such category. Any distraction blows policy should prohibit strikes to the head.

We agree. We have added language to section 300.3.5 of our use of force policy to discuss distraction blows.

"Distraction blows are defined as an intentional strike by an officer to the body of another for the purpose causing pain in order to divert the suspect's attention and allow the officer to take the suspect into custody. Generally, a distraction blow should be applied to the suspect's thigh and only one distraction blow should be used. The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officers or others. All distraction blows are a use of force and must be objectively reasonable and consistent with the department's use of force policy."

Incorporation of Force Prevention Concepts Into Policy

Recommendation 42

WPD should reorient officers' philosophy with regard to use of force by promoting alternatives to force to resolve situations in the field.

We agree. We have amended policy section 300.1 to include, "When time, circumstances and safety permit, there may be alternatives to using force. When reasonable and safe under the totality of the circumstances, members should consider such alternatives as advisements, warnings, verbal persuasion and other tactics."

Ways to Promote Behavior that Resolves Situation Without Resorting to Force

Recommendation 43

WPD should reinforce officers' conduct that resolve confrontations without resorting to force through formal means such as commendable restraint citations and by considering the amount of force an officer uses in assessing the officer's annual performance.

We agree. Police Supervisors and Managers should document incidents where officers' resolve confrontations without resorting to force by completing sergeant's commendations and watch commander entries. These incidents will also be memorialized on an annual basis by including these comments on the employee's performance evaluation.

Articulating a Force Reporting Policy for any WPD Employee Who Witnesses Force

Recommendation 44

WPD should enact policy that would require WPD personnel who witness force being used by a fellow officer or by another law enforcement agency to report the force to a supervisor.

We agree. We have amended policy section 300.5.1 to include, "Supervisory notification shall be made



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as soon as practicable following the application of physical force, by any officer who witnesses another officer using force including force by other police agencies, under any of the following circumstances.

- a. The application caused a visible injury.
- b. The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- c. The individual subjected to the force complained of injury or continuing pain.
- d. The individual indicates intent to pursue litigation.
- e. Any application of a TASER device or control device.
- f. Any application of a restraint device other than handcuffs, shackles or belly chains.
- g. The individual subjected to the force was rendered unconscious.
- h. An individual was struck or kicked.
- i. An individual alleges any of the above has occurred."

WPD Policy Should Be Modified So That all Uses of Force Are Reported to Supervisor

Recommendation 45

WPD's Force Policy should indicate that when officers use or witness force, they are required to immediately report such to a supervisor.

We agree. Our current policy required officers who use force must immediately report all uses of force and we have modified policy section 300.5.1 discussed under recommendation 44 include a requirement that witness officers report the use of force as soon as practical as well.

WPD Policy Should Be Modified So That Supervisors Are, Unless Exigent Circumstances Exist, Mandated to Respond to Use of Force Incidents

Recommendation 46

WPD should require that supervisors respond to incidents in which force is used unless the most exigent of circumstances prevent such a response.

We agree. We have added language to section 300.7 of our policy manual to include, "A supervisor should respond to every incident in which force is used, unless the most exigent of circumstances prevents such a response."

Further Policy Guidance on the Use of the Taser

Recommendation 47

WPD should modify its Taser use policy to prohibit use on persons on rooftops, pregnant persons, handcuffed persons, elderly persons, and obvious juveniles.



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We agree. Our current taser policy, as provided below, discouraged the use of a taser on certain classifications of known individuals. We have added an additional classification of those subjects who are running due to a risk of a secondary injury from falling. Section 309.5.2 of our policy now reads, "The use of the TASER device on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

- a. Individuals who are known to be pregnant.
- b. Elderly individuals or obvious juveniles.
- c. Individuals with obviously low body mass.
- d. Individuals who are handcuffed or otherwise restrained.
- e. Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
- f. Individuals whose position or activity may result in collateral injury (e.g., running, falls from height, operating vehicles).

Because the application of the TASER device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

The TASER device shall not be used to psychologically torment, elicit statements or to punish any individual.

Recommendation 48

WPD should modify its Taser use policy to rule out more than three applications of the Taser and to prohibit prolonged Taser applications.

We agree. We have modified our policy section 309.5.4 to state, "Generally, officers are prohibited from delivering more than 3 Taser applications with darts or drive stuns to a subject. Officers are also strongly discouraged from prolonged Taser applications (those that extend past the standard 5 second deployment) unless extreme circumstances exist that justify such an extended application."

Carotid Control Hold

Recommendation 49

If WPD determines to continue to authorize use of the carotid control hold, it should require certification and annual training of its officers.

We agree. The WPD has determined that the continued use of the carotid control hold allows officers an additional force option that may be used to prevent injury to a violently resisting subject. Currently, the



WPD is providing updated training on the carotid control hold every two years. We have amended our policy to require that training be provided annually in order to be authorized to use the carotid control hold. Section 300.3.4 states, "The officer shall have successfully completed department-approved training in the use and application of the carotid control hold and shall demonstrate the proper application of the hold annually to a POST certified arrest and control instructor."

We have also added the following language to section 300.3.4 (h) to avoid neck takedowns, "Generally, officers should not use the head or neck to take a subject to the ground unless the circumstances outweigh the risks of such a takedown."

Force Investigations and Review

Recommendation 50

50(a) WPD should improve its force review process to ensure that not only is the incident centrally reviewed to determine whether the force used was in policy but also to examine whether there was tactical decision making that was consistent with Department policy and expectations.

We agree. We have amended policy section 300.9 as follows:

300.9 FORCE REVIEW BOARD/TACTICAL REVIEW COMMITTEE

The Westminster Police Department is charged with the important responsibility of objectively evaluating the use of force. It is the policy of this department to convene a Use of Force Review Board when the use of force by an employee results in serious injury or death to a person.

The Use of Force Review Board will be comprised of the Deputy Chief, the Commander of PSU, a Patrol Commander, the PSU Sergeant, and one of the Department's Use of Force instructors.

The Use of Force Review Board will also investigate and review the circumstances surrounding every accidental or intentional discharge of a firearm, whether the employee is on or off duty, excluding range training or recreational use.

The Chief of Police or his or her designee will convene the Use of Force Review Board / Tactical Review Committee to investigate the circumstances surrounding any use of force incident which results in very serious injury or death to another.

The Use of Force Review Board may also be convened at the discretion of the Chief of Police in any case he or she deems necessary.

The Use of Force Review Board should consider if there were issues of policy, training, equipment, or supervision that should be addressed.

The Use of Force Review Board should develop a written report for each use of force reviewed and use those reports to assess patterns that may require policy changes or training.

The conclusions of the Review Board and Command Staff should be discussed with the involved officers and on scene supervisors to inform them about whether the force was in policy and make recommendations about the option of debriefing the incident to the Department as a whole.

50(b) At the end of the force review, officers involved in every force incident should be debriefed regarding



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<p><i>how the Department considered the handling of the incident including the tactical decision making.</i></p>
<p>We agree. We have amended section 300.9 to include, "The conclusions of the Review Board and Command Staff should be discussed with the involved officers and onscene supervisors to inform them about whether the force was in policy and make recommendations about the option of debriefing the incident to the Department as a whole."</p>
<p><i>50(c) In addition to deciding whether the force was in policy, WPD should examine force incidents to determine whether there were issues of supervision, policy, or training that it should address.</i></p>
<p>We agree. We have amended section 300.9 to include, "The Use of Force Review Board should consider if there were issues of policy, training, equipment, or supervision that should be addressed."</p>
<p><i>50(d) WPD should consider designing protocols whereby significant force incidents and a sampling of less significant force incidents are reviewed by a force review committee. The force review committee should develop a written action plan for each force incident reviewed and ensure an effective feedback loop to present the results of any action plan back to the committee at a later time.</i></p>
<p>We agree. We have amended section 300.9 to include, "The Use of Force Review Board should develop a written report for each use of force reviewed and use those reports to assess patterns that may require policy changes or training."</p>
<p><i>50(e) WPD should use learning domains, such as training bulletins or briefings to ensure that information learned is exported back to the line officers and first level supervisors in a meaningful way.</i></p>
<p>We agree. We have historically and will continue to use a variety of methods to ensure the training of our officers. Those include formal classroom training, briefing training, range training, use of force simulator training, Lexipol quizzes on policies, training bulletins and written directives.</p>
<p>Item 10 Supervisor/Subordinate Relationships</p>
<p>Recommendation 51 <i>WPD should consider extending the prohibition on supervisor/subordinate personal relationships for two years after the termination of the actual supervisor/subordinate relationship.</i></p>
<p>We agree. Section 1050.2 of our policy manual prohibits employees from directly supervising other employees with whom they are a relative or whom they are involved in a personal or business relationship. We have added the following language to that policy, "These prohibitions will remain in effect throughout the relationship and will extend two years after the termination of the supervisor/subordinate relationship."</p>
<p>Item 11</p>



Purging of Documents

Recommendation 52

WPD should develop protocols that would extend the purging of internal affairs investigations, citizen complaints, force reviews, and disciplinary records to at least five years beyond the employment end date of the employee.

We agree. We are working with the City Attorney and the Police Officers' Association to develop language to maintain these files. Currently, all records are being maintained due to a court order and Government Code 34090 would prevent the department from purging these documents without a resolution and the written consent of the City Attorney.

Item 12

Confidential Information Remaining on Computers

Recommendation 53

WPD should develop written guidelines and training for its supervisors to ensure that "unofficial" electronic documents of confidential investigations and related matters are not retained on electronic databases.

We agree. We have added policy section 1020.9 that states, "Once a personnel complaint or other administrative investigation has been completed, the assigned investigator shall insure that all printed, electronic or other copies outside of the IAPro/Blue Team database are permanently deleted. The purpose of this section is to insure that the only copies of a personnel complaint or administrative investigation are contained solely within the IAPro/Blue Team database."

Item 13

Career Advancement Programs/The Establishment of a Viable Mentorship Program

Recommendation 54

WPD should devise and sustain a mentorship program designed to promote career advancement opportunities for its officers.

We agree. We are working on developing a formal mentoring program for all of our employees and expect to have that completed in 2015.

Item 14

Additional Training Initiatives

Additional Training/Guidance for Supervisors on How to Coexist During Pending Legal Action

Recommendation 55

Westminster PD should provide additional training to its supervisors regarding effective strategies on how to coexist in the workplace in the event they are sued by a subordinate officer.



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We agree. We have asked Gordon Graham, Dr. Chris Dreisbach and Kevin Gilmartin to all incorporate this theme into each of their trainings that are scheduled for 2015.

When an Officer Makes a Complaint Against Another Employee, the Determination of Appropriate Action Should Not Be Entirely Dependent on the Articulated Desires of the Complaining Officer

Recommendation 56

The Department should develop training protocols to instruct its supervisory staff that when they receive a complaint from an employee about a fellow employee, they should independently assess whether an investigation is warranted and consult with Professional Standards Unit and/or ranking command staff about the appropriate course of action.

We agree. We have already conduct training on the Peace Officers' Bill of Rights (POBR) and grievance training and Gordon Graham will further cover this topic in his presentation on Supervisor 101.

Training for Supervisors Regarding the Grievance Process

Recommendation 57

WPD should provide additional training to its supervisors on how to address employee grievances with an eye toward resolving them timely and efficiently.

We agree. On December 17, 2014, we retained the services of Scott Tiedemann, the managing partner of Liebert-Cassidy-Whitmore, to provide supervisor training regarding the department's grievance process. That training was provided to all sworn and civilian supervisors and managers. The department and the city are reviewing the grievance procedure to ensure consistency between what is stated in the department's policy manual, the MOU and the City policy.

WPD's Need to Define Expectations Regarding the Use of E-mail

Recommendation 58

WPD should set out expectations for how the Department's email system should be used and provide guidance to its employees on how to avoid sending "emotionally laced" or other potentially detrimental communications.

We agree. We have completed a training bulletin on this issue and asked Dr. Kevin Gilmartin to expand on this topic during his presentation.

Misidentification of Race or National Origin of WPD Employees

Recommendation 59

Any records prepared by the City that reflect the race or national origin of its employees should accurately do so and the City must develop better mechanisms to ensure that the official records do correspond to the actual ethnicity and racial makeup of its employees.

We agree. We have referred this recommendation to the City's Human Resources Division to develop a form to be distributed to all employees city-wide to update personal information including ethnicity.



Item 15

Background Investigations: The Need for Additional Inquiry

Recommendation 6o

WPD should include in its background investigation process an interview in which the investigator confronts the applicant with any negative history, documents any explanation or additional circumstances, performs additional investigation if necessary, and carefully evaluates whether the negative history should or should not disqualify the candidate and why or why not.

We agree. We have now employed external investigators to conduct our background investigations and we have issued this mandate to those investigators. Moreover, we have amended our background file review process and those files are now reviewed through the chain-of-command including the Deputy Chief and Chief of Police to ensure that all backgrounds investigations are full, thorough and fair.

Independent Oversight

Recommendation 61

The City should consider creating a mechanism for recurrent independent review to help ensure that its Police Department is serving its community consistent with progressive Constitutional principles and best practices.

We agree. We found the OIR to be open, fair, and honest. The OIR identified issues that revealed some weaknesses in our policies and processes. We appreciate the candor and believe the recommendations made by the OIR to be professional and in the best interests of the Department, the City and most importantly the community.

We believe that between the steps taken to address the recommendations of the OIR and our own efforts as outlined below, that the WPD is in a much better position to effectively serve our community. It is our recommendation that the Department continue to use external evaluators to continue to make improvements to the Department and specifically that the OIR be invited to conduct a follow up review of the WPD to assure the community that the recommendations agreed to in this report have been enacted. Moreover, we would recommend that the OIR expand their review to other parts of the Department to assist the organization in achieving industry best practices.

While we believe this review was thorough, we also recognize that some areas of the department were not addressed. It is our commitment to continue with the efforts made by the OIR and continue to make improvements to the department as may be necessary to achieve a level of "best practices."



Section 2: Measures Taken by the Westminster Police Department During and Subsequent to the Report of the Office of Independent Review

I. Introduction

The command staff of the WPD did not merely wait for the report of the Office of Independent Review to take management action. Instead, we actively conducted our own analysis of the department and took steps to create, enhance, and improve the department policies and procedures.

The policies, audits and inspections, employee recognition systems, training and reminders that are discussed in this section of the response to the OIR report were all developed as part of the ongoing internal management reviews necessary in any organization designed to improve policies, procedures and practices.

II. Policies

We identified several policies that needed to be created or amended during our review of the department. Those policies included the Explorer Program; petty cash; early identification and intervention; and evidence.

a. Explorer Policy

Law Enforcement Exploring provides educational training programs for young adults on the purposes, mission, and objectives of law enforcement. The program provides career orientation experiences, leadership opportunities, and community service activities. The primary goals of the program are to help young adults choose a career path within law enforcement and to challenge them to become responsible citizens of their communities and the nation.

The Westminster Police Department is proud to have developed and maintained a long-standing explorer program for the benefit of community youth and several of our current police officers, including members of the command staff, were once members of the WPD Explorer Program.

While explorer programs offer many benefits to community youth, there have been well documented instances of abuse to explorers by explorer advisors across the nation. The Westminster Police Department refuses to turn a blind eye to those instances and instead has developed one of the most robust explorer policies in the nation to address explorer safety. Moreover, every police officer in the department has been required to complete an explorer safety training course developed by Learning For Life, the parent organization of the explorer program and all of the department's explorer advisors have been required to complete additional advisor training that has also been developed by Learning For Life.



b. Petty Cash Policy

The purpose of a petty cash is to establish the criteria by which petty cash funds will be approved and expended and to provide guidance on proper management of those funds.

A routine audit of the department's policies revealed that while the department did have an informal procedure regarding the approval and expenditure of petty cash, there was no formal policy. A formal policy is necessary to ensure to the proper use of the funds that have been entrusted to the department, thus a formal policy was created and enacted.

c. Early Identification and Intervention Policy

The identification of police officers who have potential problems has emerged as a best practices approach for curbing police misconduct and achieving accountability. Early Identification and Intervention System, sometimes called "Early Warning Systems" are data-driven programs whose purpose is to identify officers whose behavior is problematic and to subject those officers to some kind of intervention, often in the form of counseling or training. Because of their potential for providing timely data on officer performance and giving police managers a framework for correcting unacceptable performance, early warning systems are consistent with the new demands for performance evaluation raised by community policing and the effective strategic management of police departments.

The goal of the Westminster Police department is to identify officers whose behavior may indicate signs of problematic behavior and to address those concerns through counseling, mentoring or training. Early warning systems are not disciplinary systems, but rather designed as a counseling and training opportunity to address potential behavior issues before discipline needs to be imposed.

Prior to receiving the report of the Office of Independent Review, the Westminster Police Department recognized the opportunity to develop and implement an early warning system for the department. That program has been created and codified as part of the department's policy manual.

d. Evidence Policy

The WPD has had a long running policy that requires a supervisor to initial all evidence tags that are booked into Property at the WPD. Practically, officers would present evidence or other items for booking often after those items had been sealed in bags so the supervisor could initial the evidence tag. This system had little or no value because the item was already packaged and unavailable to be viewed by the supervisor. Thus, the supervisor would initial a tag without knowing what was actually inside the package rendering the initial worthless. Moreover, the policy was time consuming as many items are booked daily into Property (often hundreds) and it would require the officer to wait for a supervisor to be available before they could submit the item for booking.



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While an argument may be made that it is a better practice to have a supervisor personally view every item that is booked into Property, such a practice is not practical nor necessary, nor is it a best practice that is conducted by other police departments. Therefore, the policy was changed to allow officers to book items without a supervisor's initial, decreasing the amount of time that the officer would otherwise be required to be out of the field.

III. Audits and Inspections

Formalized audits and inspections are necessary to ensure that the department and its staff are complying with the department's policies and procedures. While audits and inspections have been conducted in the past, many of these were ad hoc in nature, seldom documented, and may not have been as thorough as required.

To address audits and inspections, not only for the current period of time but for the future as well, a policy mandating certain audits and inspections was created and implemented. Among the areas that are covered in that policy are: workplace inspections; Puma system; confidential informant files; intelligence files and performance reviews.

a. Workplace Inspection

As part of the department's commitment to prevent and address workplace harassment, a workplace inspection was conducted to ensure that there were no items accessible for view that would create a hostile work environment or that was inappropriate or had what may be perceived as harassing subject matter.

The workplace inspection was conducted by Deputy Chief Noble and Commander Panella. All areas of the department, including all offices and cubicles were inspected and no inappropriate items were located. A workplace inspection policy was established as a component of the department audit and inspection policy to ensure ongoing workplace inspections designed to identify potential issues before a complaint is made.

b. Digital Audio Recorders "Puma" System

The WPD requires that officers' audio-record certain field contacts and later download those recordings onto a Department computer server for retention. Officers are required to note the file number of the recording on all of their arrest and incident reports where a DAR has been used.

An audit was conducted of the DAR system and a sampling of reports were randomly pulled for field arrests and contacts where a DAR recording would have been required. We found that for those files there was an exceptionally high number that indicated that officers were complying with the Department's policy. There was one instance that was reviewed during an administrative investigation where an officer did not use their DAR and while the complainant did not make an allegation that the officer failed to use their DAR, it was discovered during the course of the investigation and remedial disciplinary action was taken.



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Although the audit showed a high level of compliance during arrests and where officers were required to complete reports, the audit also looked at instances where officers should have made a recording, but a report was not required. Again the audit revealed a high level of compliance providing the department assurance that officers are complying with the Department policy.

Under the Department's new audit and inspection policy, audits of the DAR recording are specifically required annually to ensure ongoing compliance.

c. Confidential Informant Files

Police departments routinely work with confidential informants to obtain information regarding criminal activity that could not be otherwise obtained. Policing best practices require that records be created for confidential informants that clearly identify the informant, the information provided by the informant and an agreement limiting the actions of the informant while providing information on the department's behalf.

The WPD has enacted policies regarding confidential informants and the documentation of their work. However, those files were not audited in the past. Deputy Chief Thomas conducted an audit of the confidential informant records to ensure the department was in compliance with department policy. The newly enacted policy requires that annual audits be conducted in the future.

d. Intelligence Files

Police departments maintain intelligence files regarding various investigations. The type of material that may be maintained in an intelligence file is restricted by law. Deputy Chief Thomas conducted an audit of the department's intelligence files in order to assure department compliance and found they were in compliance.

e. Performance Reviews

Upon the appointment of the two interim Deputy Chiefs, it was discovered that many performance evaluations were overdue, some that were more than two years late. Such a practice is unacceptable and revealed a lack of audits, controls and management oversight. Since that time, all of the evaluations have been brought up to date. Moreover, the entire performance evaluation system is undergoing review and modification.

Systems have been put in place to ensure that supervisors complete performance reviews on time; however, many of those systems were in place prior to the discovery of so many late evaluations. It is incumbent on the newly appointed Deputy Chief to review performance evaluations in an ongoing manner to ensure that this does not occur in the future.

As discussed above in this document, the performance evaluation system is currently under review and it is the goal of the department to implement a revised performance review system by 2015.



f. Property Room

POST provides a service to California Police Departments and employs subject matter experts to conduct audits and inspections of police department Property Rooms at no cost to the department. Property Rooms are essential for the collection and preservation of evidence and due to the importance of the security of these items for court purposes and to ensure that no items are subjected to theft or mishandling, routine audits are necessary.

The department had contacted POST and secured a subject matter expert to conduct an audit of the WPD Property room. That audit is scheduled to be conducted by June 2015.

IV. Employee Recognition

In order to maintain and improve employee morale and as a means to demonstrate to our employees the meaningful contributions that they make to the department, the city and the community every day, we enhanced some of our employee recognition programs.

a. Chief's Board

A "Chief's Board" bulletin board was created and placed near the Watch Commander's office. The purpose of the Chief's Board was to convey positive messages to the department. The chief places letters of appreciation from the community, memorandums of exceptional accomplishments by officers and civilian staff, and other documents that show appreciation for members of the department.

b. Officer Parking

In recognition of the contributions of the patrol officers to the department and the community, Chief Baker repainted the department's parking lot and provided the parking spaces closest to the entrance of the building to patrol officers. In most police departments, including the Westminster Police Department, those preferred parking spaces were reserved for the Chief of Police and the upper command staff. By restriping the parking, Chief Baker sent a message to the officers that their commitment and services to the community are the foundation of the department and that they should be recognized for their everyday efforts.

c. Chief's Challenge Coins

Chief Baker developed Westminster Police Department challenge coins. Challenge coins were first developed by the military as a small expression of gratitude for a job well done, to develop an esprit de corps, or a feeling of loyalty, enthusiasm and devotion to the community, and to increase morale. Chief Baker proudly gives members of the WPD a challenge coin in recognition of their efforts to support the community.

Chief Baker has also developed special challenge coins to give to members of the community as recognition when a community member has gone "above and beyond" in their service to the community.



d. Detective Badges

Traditionally, the Westminster Police Department did not issue detective badges. Many other police departments issue detective badges and are generally sought after by police officers. Detective badges signify the importance of a detective position, are valued by current detectives, inspired officers who desired to become a detective, and the creation of these badges has enhanced department morale.

e. Investigative Jackets

As a means to increase unit cohesion and morale, the department provided “investigative jackets” to members of the department’s investigative unit. Investigative jackets are traditionally worn by detectives who are generally dressed in business attire as a means of identification when they are required to respond into the field. The new jackets created a professional and consistent appearance among detectives.

f. Department Awards

The department policy regarding awards was completely re-written. That policy clearly identifies the requirements for specific department awards and address what those awards are and how they can be displayed. This initiative was created by officers and supported by the Police Officers’ Association.

g. Introductions at Council Meetings

Chief Baker has instituted the practice of introducing all new officers and all promoted employees to the City Council during a council meeting. These introductions serve several purposes. First, the Council has an opportunity to meet those who have been hired or who are being promoted. Second, the community has the same opportunity to meet these officers by attending the Council meeting or by watching the televised meeting. Finally, it sends a message to all of the department employees that our goal is to serve the community and that the department is evaluated by the interaction of individual officers with individual community members.

V. Department Training

We recognize the need for ongoing professional training for all of our employees. In an effort to address identified needs and as a means of responsible management, the department held the following training events over the last six months.

a. Workplace Harassment/ Discrimination/Retaliation

Every city employee was required to attend a four-hour seminar on workplace harassment, discrimination and retaliation. These seminars were presented by attorneys from the law firm of Liebert, Cassidy and Whitmore. The goal of the training was to educate all employees regarding the law and City policies relating to workplace harassment, discrimination and retaliation. Employees were instructed to report all possible violations and supervisors were



instructed on the appropriate and mandated steps to prevent, identify and address workplace harassment and discrimination.

b. Supervisor Training (Peace Officers' Bill of Rights, PIP, Supervisor's Manual)

All department supervisors attend a monthly four-hour supervisors meeting to discuss department issues and concerns and as a method to increase department communication. Over the last several months, the department has begun the practice of including supervisor training with these meeting to increase the skills and abilities of the department's supervisors. To date, training seminars have been conducted by Martin Mayer, of the Jones & Mayer law firm on the Peace Officers' Bill of Rights (POBAR) and how to write, present and direct a Performance Improvement Plan (PIP). Training was also conducted by Scott Tiedemann of Liebert-Cassidy-Whitmore regarding the department's grievance procedure.

In addition, the department created a manual for all newly promoted supervisors. The manual is similar to manuals used for new police officers during the field training program. The manual requires that instruction be provided to the new supervisor on a wide range of supervisory issues and also requires the individual who provided the training and the new supervisor to sign the manual indicating that the training had been provided and all questions were addressed.

c. Dr. Kevin Gilmartin Training

Dr. Kevin Gilmartin has been retained to present "Emotional Survival for Law Enforcement" in January 2015 at the Westminster Police Department. Dr. Gilmartin is a behavioral scientist specializing in law enforcement related issues. This training event is designed to assist professionals by the development of behavioral strategies to inoculate against loss of idealism and inappropriate behavior patterns. It will review the short and long-term effects on first responders on both the personal and professional aspects of their lives. The course will discuss how the initial enthusiasm and desire to professionally contribute can be transformed into negative cynicism, social distrust and hostility to the world at large that significantly impacts the professional's work performance, decision-making and ultimately over-all quality of life. The course will also review the impact on the children of these families in terms of school academic performance and health. The goal of the course is to review the potential impact the career causes in one's personal life and to develop strategies for overall emotional survival.

d. Gordon Graham

The Department has retained Gordon Graham to provide several supervisory presentations. On February 23, 2015, Mr. Graham will present "Supervision 101 – The Basics for the New Supervisor." This seminar designed for the line-level supervisor. Failure to adequately discipline can cause a host of problems, both internal and external. This block identifies the problems with discipline in an organization and why supervisors must work together to have an effective program of discipline. Attendees will receive a copy of "GRAED, Graham's Rules for the Application of Effective Discipline."



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On March 13, 2015, Mr. Graham will present "The Importance of Discipline." "Rules without enforcement are just nice words." In this brief program, Gordon will address the critical issue of employee discipline—what it is and what it is not. Failure to discipline in a prompt, fair and consistent manner is a ticket for nothing but future problems and there are many legal and risk concerns involved in this process that need to be fully understood.

On April 6, 2015, Mr. Graham will present "Maximizing the Effectiveness of Performance Evaluations." An operational risk management approach to this most important document. From analyzing the job description and setting goals to interim feedback and preparation of the document, this two hour block is an excellent wake up call to prevent the common problems caused by not taking the process seriously. Attendees will receive a copy of "GRIPE, Graham's Rules for the Improvement of Performance Evaluations."

On May 11, 2015, Mr. Graham will present "5 Concurrent Themes for Success." A supervisor's job is getting more and more complex. In fact, the more complex it gets, the more you need a systematic approach to getting things done right. This block, "The Five Concurrent Themes for Success," is essential for everyone in the workplace, regardless of position, job description or type of organization. In this program, Mr. Graham shows you how the discipline of Risk Management, coupled with an understanding of systems and complemented with Customer Service, Accountability and Integrity, can all work together to ensure that things are done correctly.

e. Dr. Chris Dreisbach – Johns Hopkins University (April 2015)

By combining case studies and text, Ethics in Criminal Justice helps participants prepare for the ethical situations they will encounter as criminal justice professionals. It includes discussions of constitutional and religious ethics along with the more traditional discussions of philosophical and professional ethics.

f. Master Training Plan

The department has developed and implemented a training matrix for every special assignment and promotional appointment. The master training matrix lists all mandatory, essential and desirable training course for every position.

The value of the Master Training Plan is that it ensures that the department provides all necessary training to every employee and the plan provides employees with notice of the types of training required for different assignment to assist the employee's career development.

VI. Promotional Processes

In March of 2014, the WPD recognized concerns with the promotional processes conducted by the Westminster Police Department and in anticipation of making promotions to sergeant, commander and deputy chief and corresponding special assignment selections of detectives and corporals, the WPD retained the services of CPS HR Consulting to conduct the department's promotional process.



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In order to avoid any perception of bias, Chief Baker directed interim Deputy Chiefs Noble and Thomas to work with the CPS team to develop an objective testing process and take on the role of subject matter experts to ensure that the testing material was appropriate for the position available.

The department had never before undergone an external testing process for promotional opportunities and the employee feedback was positive. Moreover, employees were provided feedback on their performance to better prepare themselves for future promotional opportunities. Successful candidates for corporal, sergeant, commander and deputy chief were promoted on January 15, 2015.

VII. Hiring

WPD staff works closely with City staff on recruitment and hiring issues.

a. Enhanced Relationship with the City's Human Resources Division

In order to enhance communications between the department and the City, we have initiated monthly meetings between the PSU Commander and the Administrative Services Director who oversees the Human Resources Division. Unfortunately, in the past there has been a disconnect between the division and the City during hiring and promotional processes and all agree that these missteps could have been avoided through better communication. It is our goal to enhance the level of communication and we are committed to working in partnership with all city departments.

b. Background Investigations

A review was conducted of the background investigations process performed by the department. Although we found that the current background investigators are performing their responsibilities in a competent manner, we have also found that backgrounds conducted in the past do not meet the demanding expectations of the department. Background investigations are a time consuming and often difficult task that require investigators to determine the fitness of a candidate for employment. The Chief of Police relies on the background investigators when making an employment decision. Due to the amount of time that is necessary to conduct a complete background, we have determined that it would be in the best interest of the department to maintain our current background investigator in an oversight role, but to assign background investigations to an external investigator.

This endeavor will serve two purposes. First, we expect a more thorough and detailed investigation conducted by a professional whose expertise is that of conducting background investigations. Second, this will provide more time for the background investigator to focus on their primary responsibility as a training officer.

VIII. Employee Development

A. Code of Ethics Board

The department has prominently displayed a board reciting the Police Officers' Code of Ethics as a reminder to our officers every day. Every employee will embrace ideals such as



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duty, service, respect, liberty, equality, justice, courage, honesty, honor, and integrity. As prescribed by law, each employee will swear to keep this oath:

"As a law enforcement officer, my fundamental duty to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence, or disorder, and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others.

Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the law and the regulation of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feeling, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime, I will enforce the law courteously and appropriately without fear of favor, malice, or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession - Law Enforcement."

B. Photographs of Council Members, City Manager and Directors

The department has a high level of interaction with other City departments and the City Council. While a significant portion of department personnel know all of the Council members and directors of other city departments, there are some employees who may not have yet established these relationships. As a means to assist department personnel to recognize the Council members and department directors if they are encountered, the department has positioned framed photographs of all Council members, directors and the City Manager at the police department.



C. Mission, Vision, Values

The Department's Mission, Vision and Values statement was long outdated. We found that we needed to get back to the fundamentals of our role in the community and what we stand for as a department. A new Mission Statement was established after analyzing the evolving needs of the community.

1. Mission Statement

"To provide productive, accountable, competent, and effective public safety services to all residents, businesses and visitors to Westminster."

The Mission Statement is a "performance principle" designed to instead shift the focus from a culture of various personal performance preferences to the Department's performance imperatives geared to meet community expectations. This performance principle is known as P.A.C.E. (Productive, Accountable, Competent, and Effective)

Productive *Producing consistent, quantitative work product that is representative of our mission, vision and values.*

Accountable *The commitment to follow the laws and rules that preside over us and accept responsibility for our actions. We always do the right thing in preserving our high ethical standards and commitments to our core values.*

Competent *Personal mastery of the profession, laws and policies that govern us as well as being prepared to confidently confront any situation or obstacle in our way. Preparation and training must be an individual constant in creating the mental models needed to achieve mastery as police officers.*

Effective *Effective qualitative work product that is directly linked to our mission, goals and team objectives. Work that is meaningful and has a positive and direct impact on those we serve and serve with.*

Complementing the PACE performance principle is the ACE behavioral principle:

Attitude *A positive attitude of service, dedication and professionalism in meeting our mission and being focused on positive outcomes, while removing negativity and failure from our mindset.*

Cooperation *Teamwork is the cornerstone of our Department and our mission. We must strive to support each other every day and individually put forth proper attitude and effort to help our team succeed.*

Effort *Effort is the fuel to meet our mission and manifest synergy for team success. Effort must be consistent and selfless without promise of reward or self-interest.*



2. Vision Statement

"To provide the highest quality of service through accountable, compassionate and efficient policing."

3. Values Statement

Honesty & Integrity

Honesty is truth, fairness and straightforwardness of personal conduct. It is the adherence to the facts and dedication to truthfulness in doing what is right, legally and morally. Integrity is a quality you develop by adhering to moral principles. It requires that you do and say nothing that deceives others. As your integrity grows, so does the trust others place in you.

Service

Put the welfare of the Community, the Westminster Police Department and your team before your own. Selfless service is larger than just one person. In serving your community, you are doing your duty loyally without thought of recognition or gain. The basic building blocks of selfless service are the commitment of each team member to go a little further, endure a little longer, and look a little closer to see how he or she can add to the effort.

Loyalty

Bear true faith and allegiance to the U.S. Constitution, California Constitution, and the policies of the Westminster Police Department. Bearing true faith and allegiance is a matter of believing and devoting yourself to something or someone other than yourself. A loyal Officer is one who supports the mission and the team. By wearing the uniform of the Westminster Police Department you are expressing your loyalty. And by doing your share, you show your loyalty to the team.

Trust

We must solemnly value the trust that has been placed in us by those we are sworn to serve, and are committed to holding ourselves to a higher standard of accountability to continually earn their trust each and every day.

Respect

Treat all people as they should be treated. Respect is what allows us to appreciate the best in other people no matter who they are. Respect is also trusting that your fellow officers have done their jobs and fulfilled their duty. Self-respect is a vital ingredient of our team which results from knowing you have put forth your best effort every day. The Westminster Police Department is one team and each of us has something to contribute.

Large display boards citing our Mission, Vision, and Values have been placed around the police station and public lobby as continual reminders of why we are what we stand for. PACE/ACE is also an integral part of our new promotional, special assignment and evaluation processes.



D. Leadership Requirements Model

Another area of opportunity was the lack of leadership philosophy and little to no training on leadership as a department. Although we have many employees who show aspects of leadership every day, there was no model or institutional framework that provided Department leadership expectations. We found this aspect of our department to be a weakness that spoke to some of the historical issues at hand. We believe leadership should permeate all employees, processes and levels of the Department. We took this opportunity to establish a department philosophy on leadership and created a model that provided a foundation for what the public and the employees should expect when it comes to leadership at the Westminster Police Department. The *Leadership Requirements Model* was created and it is based closely upon the doctrine of the United States Army and those tenets taught at the WestPoint Military Academy.

1. Leadership Defined

“Leadership in a police organization is the process of influencing human behavior to achieve organizational goals that serve the public, while developing individuals, teams, and the organization for future service. The foundations of police leadership are public trust and an ethic that starts with a personal and organizational commitment to serving others. Public trust must be earned and is fragile.” – *IACP Leadership in Police Organizations*

2. WPD Leadership Requirements Model

The Westminster Police Department exists to serve all citizens while we enforce the law and Constitution. To accomplish this requires values-based leadership, impeccable character, and professional competence. The following shows the Westminster Leadership Requirements Model. It provides a common basis for thinking and learning about leadership and associated doctrine. All of the Model’s components are interrelated.

The Model’s basic components center on what a leader is and what a leader does. The leaders’ character, presence, and intellect enable the leader to master the core leader competencies through dedicated lifelong learning. The balanced application of the critical leadership requirements empowers the Westminster leader to build high-performing and cohesive teams able to effectively project in support our mission. It also creates positive organizational climates, allowing for individual and team learning, and empathy for all team members.

Four major factors determine the leader’s character: Westminster Police Department Values, Emotional Intelligence, Empathy, and the Peace Officer Code of Ethics. Some characteristics are present at the beginning of a leader’s career while others develop over time through additional education, training, and experience.

A leader’s physical presence determines how others perceive that leader. The factors of physical presence are professional bearing, physical fitness, confidence, and resilience.



The leader's intellectual capacity helps conceptualize solutions and acquired knowledge to do the job. A leader's conceptual ability applies agility, judgment, innovation, interpersonal tact, and domain knowledge. Domain knowledge encompasses tactical and technical knowledge as well as cultural and geopolitical awareness.

3. Excelling at the Core Leader Competencies

Leader competence develops from a balanced combination of professional education, self-development, realistic training, and professional experience. Building competence follows a systematic and gradual approach, for mastering individual competencies, to applying them in concert and tailoring them to the situation at hand. Leading people by giving them a complex task helps them develop the confidence and the will to take on progressively more difficult challenges.

Why competencies? Competencies provide a clear and consistent way of conveying expectations for leaders. Current and future leaders want to know what to do succeed in their leadership responsibilities. The core leader competencies apply across all levels of the organization, across leader positions, and throughout careers.

Competencies are demonstrated through behaviors that can be readily observed and assessed by a spectrum of leaders and followers: superiors, subordinates, peers, and mentors. This makes them a good basis for leader development and focused multi source assessment and feedback

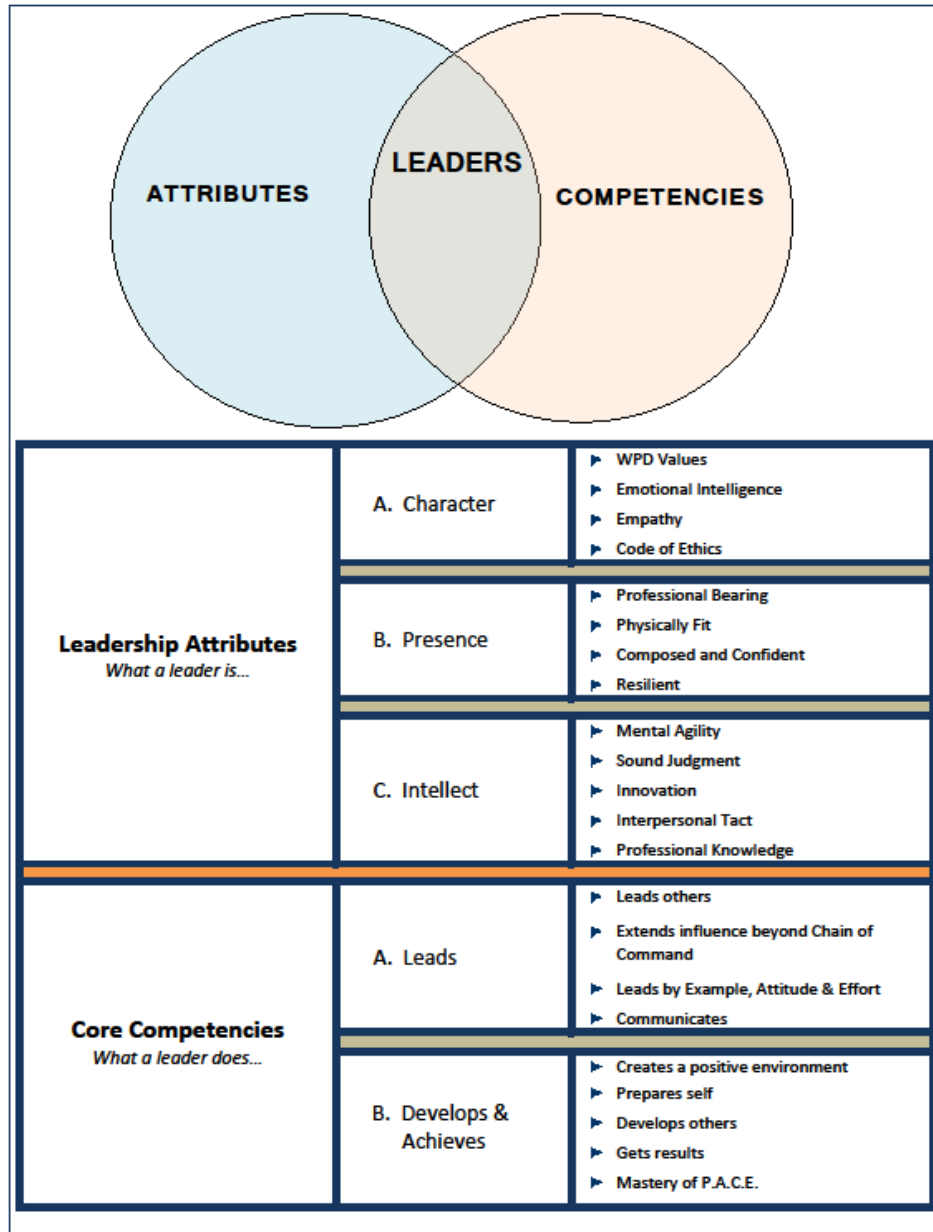
Leader competencies improve over extended periods of time. Leaders acquire the basic competencies at the direct leadership level. As a leader moves on to organizational and strategic level positions, the competencies provide the basis for leading through change. Leaders continuously refine and extend the ability to perform these competencies proficiently and learn to apply them to increasingly complex situations.

These competencies are developed, sustained, and improved by performing assigned tasks and missions. Leaders should not wait until the crisis to develop their leader competencies. They should use every bit of downtime as a training opportunity to assess and improve their ability to lead officers.

To improve their proficiency our leaders can take advantage of chances to learn and gain experience in the leader competencies. They should look for new learning opportunities, ask questions, seek training opportunities, and request performance critiques. This lifelong approach to learning ensures leaders remain viable as a professionals in our police department.



WPD LEADERSHIP REQUIREMENTS MODEL



E. Diversity Hiring Plan/Cultural Training

The City of Westminster is known to be one of the most diverse communities in Orange County. We also recognize that the current workforce is reflective of past hiring practices and methodologies to meet specific objectives and community needs. However, as the community changes so should the strategy to continually meet the needs of the community. This is to fill



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gaps where our diverse populations who have specific language needs and cultural complexities are embraced as part of our service methodology. Keeping with our changing landscape requires planning and a strategy. Therefore, we have embarked on such a process on expanding our diverse workforce and adding members to the team who can help the Department meet the needs of our constantly changing community. Our objective is to have a diverse workforce and equip the existing workforce with training and education about our diverse communities and how best to serve them.

F. Dual Oaths of Office

The California Government Code requires that when a person becomes a police officer or is promoted within the policing ranks that they be given an oath or affirmation of office. That oath is as follows:

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter."

The Westminster Police Department also provides all of those promoted to supervisor or manager to take a second oath to affirm their commitment to the community and their responsibility as a police leader. That oath is as follows:

I, _____, do solemnly swear, that I will support and defend the Constitution of the United States and the Constitution of the State of California.

I swear my commitment to the Law Enforcement Code of Ethics and the Mission, Vision and Values of the Westminster Police Department.

And that I swear my commitment to the citizens of Westminster and promise to act in their best interest observing all the laws and policies that govern us.

I promise to act courageously and to be a leader and role model to everyone, while keeping honesty, integrity, and service at the forefront of my actions.

I acknowledge my badge is a symbol of the public trust and I will supervise all under my care responsibly to preserve this sacred honor.

I take this obligation freely, without any purpose of evasion or metal reservation, and affirm this oath before my police department, this community and my profession."



G. Sergeants' Standards of Conduct Training

All sergeants were provided a "Supervisor's Standards of Conduct" that outlined the expectations of the Chief of Police. The standards include: 1.) Support department policies and procedures; 2.) Supervise your employees; 3.) Promote a harmonious and cooperative working environment; 4.) Knowledge of criminal activity and quality of life issues; 5.) Operational awareness; and 6.) Administrative assignments.

All of the Standards of Conduct are consistent with the department's policy manual and are rules which specifically address the expectation of supervision at WPD. Each supervisor is responsible for knowing and practicing the Standards of Conduct in a manner consistent with the department's mission, vision and values.

H. Team Building

The department has received approval and funding from POST to conduct a team building event that will include all department managers and supervisors in May of 2015. The team building event will be facilitated by a professional POST approved facilitator. Our goal for the team building is to enhance the supervisory training that we have been providing and ensure a cohesive and consistent approach to the leadership of the department.

Conclusion

As your Chief of Police, I embraced the review process conducted by Mr. Gennaco from its inception. The process also provides other police agencies with our own example on how to respond to similar cases and establish preventive measures. Mr. Gennaco's findings mirrored many of our internal findings with respect to culture, processes and practice that were identified for analysis to improve the Department. We found the OIR assessment by Mr. Gennaco to be thorough, complete and comprehensive. We went beyond the scope of this report and implemented additional improvements on our own initiative with regard to many of the key subject areas.

I want to thank the City Manager and the City Council for their time and commitment in working with the police department to enhance our service to the community and mostly for their commitment to our staff and officers who work diligently every day to provide the best possible service to the City of Westminster and its people. I recognize the financial commitment to undergo such an extensive review by the OIR and appreciate the opportunity to work in partnership with all of our stakeholders to transition the Westminster Police Department from good to great.

I also want to thank the men and women of the Westminster Police Department for their hard work and dedication to making the City of Westminster a safe and secure community and for their efforts in forming community partnerships that establish and maintain the incredible levels of community support for the department.

Kevin Baker
Chief of Police