



ANDREW E. HALL  
CHIEF OF POLICE

## City of Westminster

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INTERIM CITY MANAGER

September 25, 2006

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

Dear Foreperson Flick,

The following response is provided by the Westminster Police Department (WPD) in compliance with Penal Code § 933 and 933.05, to the findings and recommendations in the 2005-2006 Orange County Grand Jury report, "*Oversight of Orange County Law Enforcement Agencies, Resolving a Dichotomy.*" As instructed, the responses in this report are focused on findings 6.1 through 6.4 and recommendations 7.1 through 7.3.

### Response to Findings:

**6.1 *Best Practices Goal:*** We disagree. The Westminster Police Department has adopted our policies based on: policies drafted and approved by the Orange County Chiefs and Sheriff's Association; appropriate internal and external legal review; the Commission on Peace Officers Standards and Training (POST); and the International Association of Chiefs of Police (IACP).

In addition, two of our staff members are attorneys and part of their activities is to review current law and case decisions as they apply to our policies and procedures to ensure they *remain* "best practices." Our contracted legal advisor performs annual reviews of our policies to ensure continued compliance. We believe those policies and related procedures rise to the level of "best practices."

**6.2 *Independent Reviews of LEAs:*** We disagree. The policies and practices of the Westminster Police Department are under regular scrutiny and review by: State and Federal Judicial Systems; the City Manager and City Council; the City's Risk Manager; City Attorney's Office; Police Legal Advisor; and our own Management Staff. It is the concern of the Westminster Police Department that a Citizen Oversight Commission might provide less scrutiny and review than is currently in place for law enforcement.

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6.3 Orange County is Changing: We agree. The County is changing and growing. As a result, we believe that law enforcement agencies will face new challenges as the County grows, crime dynamics evolve, and local, state, and federal statutes and case law adapt to address these changes.

6.4 LEA self-assessment: We disagree partially. With regard to LEA monitoring, we already have sufficient procedures in place, along with both internal and external review, to ensure we are following best practices. As a result, we do not agree independent audits would provide sufficient levels of improvement in this area to warrant the expenditure of additional public funds as required. Our policymakers (City Manager and City Council) have the authority to call for such audits when they are not satisfied with the Department's performance. With effective policies and checks and balances already in place, there appears to be no necessity to justify the financial impact involved.

Response to Recommendations:

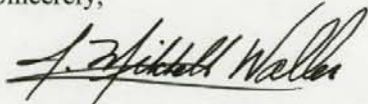
7.1 Best Practice Guidelines: The recommendation has been implemented. The Westminster Police Department receives regular recommendations from Legal Advisors from law enforcement professional organizations, State agencies like POST, County of Orange Chiefs and Sheriff's Association, etc., on a variety of topics, such as oversight and training in the handling of residents' complaints to the police department. In conjunction with our own City Attorney and Department Legal Advisor, we adopt those best practices and recommendations based on model policies. We would support considering the value contained in a publication of Best Practice Guidelines by an organization like POST, as a self-assessment to the handling of any law enforcement issue.

7.2 Near-term, independent review of LEA policies, procedures, and compliance: This recommendation will not be implemented because the Westminster Police Department believes it is not warranted at this time. This belief is supported by periodic and spontaneous review of our policies, procedures, and compliance. Such reviews have been conducted by the Courts as well as through checks and balances inherent in municipal government, i.e., through the City Manager's Office, City Attorney, and the Risk Manager.

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

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

Sincerely,



J. Mitchell Waller, Captain  
Acting Chief of Police

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