



King City Police Department

Strengthening Management Practices Would Help Its Efforts to Prevent Officer Misconduct and to Regain the Public's Trust

Report 2015-129

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July 14, 2016

2015-129

The Governor of California
President pro Tempore of the Senate
Speaker of the Assembly
State Capitol
Sacramento, California 95814

Dear Governor and Legislative Leaders:

As requested by the Joint Legislative Audit Committee, the California State Auditor presents this audit report concerning the administration and operations of the King City Police Department (Department). This report concludes that strengthening management practices would help the Department's efforts to prevent officer misconduct and regain the public's trust. Since February 2014—after the arrest of six of its officers—the Department has been aware of the need to rebuild the public's confidence in its ability to serve the community. Although the Department has policies, procedures, and practices that help guide its operations, we found that it should take specific steps to improve management processes to prevent officer misconduct and noncompliance with policies, and to gain greater community confidence in its operations. For example, the Department maintains officer investigation and discipline processes that comply with legal requirements, but the Department's policy allows supervisors to handle verbal complaints about officers from the public in an informal manner, which may result in mishandling of a complaint, including not thoroughly reviewing the conduct issue raised by the complaint. Strengthening its processes for handling informal complaints will allow the Department to ensure that they are fully addressed. Additionally, the Department should provide more opportunities for members of the public to voice their concerns, such as informing the public that complaint forms may be filed at city hall or on the Department's website.

The Department should also improve some of its practices related to citation issuance, vehicle towing, and community engagement. The Department does not perform regular reviews of the number and types of citations its officers issue, which it could use to identify trends and follow up with officers to ensure consistent enforcement strategies. Moreover, management at the Department does not document the internal direction it provides to its staff, which would allow the Department to hold its officers accountable if citation trends vary from management's focus. The Department has also not fully updated its towing policy to reflect the city council's directive from March 2014. Although the Department has prepared monthly towing reports that include a notation of the legal authority for towing each vehicle, the report lacks information on the reasons the vehicle needed to be towed. Such information would provide the city council and the community with additional perspective on the circumstances of the tows. Finally, although it conducts various activities to engage the community, the Department has not developed a comprehensive community engagement plan, which it could use to summarize its planned activities and strategies, and to establish goals and timelines.

Respectfully submitted,



ELAINE M. HOWLE, CPA
State Auditor

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Summary

Results in Brief

Located in Monterey County along U.S. Highway 101, the City of King—also known as King City (City)—is home to nearly 13,000 residents, close to 90 percent of whom identify as Hispanic or Latino. The City is governed by a five-member council that appoints a city manager as the chief advisor and professional administrator of the City. The King City Police Department (Department) is overseen by the chief of police (chief) and strives to partner with the community to protect life and property, solve neighborhood problems, and enhance the quality of life in the City. For fiscal year 2015–16, the City allocated approximately \$3 million to the Department through its general fund budget, which is generally supported with revenue from taxes.

In February 2014, the Monterey County District Attorney's Office (District Attorney) announced the arrest of six of the Department's officers. Among those arrested were the then-acting chief and a sergeant, who were charged with crimes in connection with a towing scheme. Specifically, the District Attorney's investigation revealed that officers had been impounding the vehicles of economically disadvantaged persons of Hispanic descent. The vehicle owners were unable to pay the related towing and storage fees, and the vehicles were sold or gifted to some of the officers. According to the District Attorney, while its team was working in the City with the Department on an unrelated investigation, it learned during interviews with the public about problems with local police officers—including the towing scheme—that eventually resulted in the arrests. Ultimately, the six officers and the then-acting chief's brother pleaded guilty or no contest to various charges.

In the wake of that experience, the Department has been aware of its need to rebuild the public's confidence in its ability to serve the community. Although the Department has policies, procedures, and practices that help guide its operations, we found that it should take specific steps to improve management processes to prevent officer misconduct and noncompliance with policies and to gain greater community confidence in its operations. Specifically, even though its officer investigation and discipline processes comply with legal requirements, the Department should strengthen its current processes for receiving and addressing personnel complaints. For *written* complaints, the Department forwards the complaints directly to the chief, who initiates investigations. However, the Department's policy allows supervisors to make unilateral decisions on the merits of *verbal* complaints and to decide whether those verbal complaints should be processed as formal investigations or

Audit Highlights . . .

Our audit of the King City Police Department's (Department) operations and practices highlighted the following:

- » *The Department's management processes need to be improved to prevent officer misconduct and noncompliance with policies and to gain greater community confidence.*
 - *One of its policies allows supervisors to make unilateral decisions on how to process verbal complaints.*
 - *It needs to inform members of the public about opportunities to voice their concerns.*
- » *The Department needs to strengthen its oversight of citations.*
 - *It could not demonstrate that it performed regular reviews of the types of citations its officers issue, as industry standards recommend.*
 - *It needs to provide internal direction to its staff through written confidential memos or discussion documents.*
- » *Although the Department's monthly towing reports notate the legal authority for towing each vehicle, the reports do not indicate the reasons for each tow.*
- » *The Department's towing policy does not reflect the city council's directive from March 2014 regarding training, the approval process for towing, and the monthly reporting expectations.*
- » *The Department does not have written criteria that identify the types of activities that are incompatible with the official duties of an officer.*
- » *Although the Department conducts various activities to engage the community, it should incorporate these activities into its formal policies.*

as informal issues. Without a standardized process for responding to verbal complaints, the Department could review complaints haphazardly or potentially mishandle issues altogether. Additionally, the Department should inform members of the public about opportunities to voice their concerns, including the option to file complaint forms at city hall or on the Department's website. These additions to its process would help the Department strengthen its relationship with the community.

The Department should also strengthen its management practices related to its oversight of citations. We expected the Department would have been performing regular reviews of the types of citations its officers issue, as the Commission on Police Officer Standards and Training (POST) recommends.¹ However, the Department could not provide examples of any reviews it performed. The interim chief stated that he had reviewed citation data at least once in the past and that—as a result of trends he recognized—he had verbally directed officers to alter their enforcement and to focus more on community-based approaches by allowing them to issue verbal warnings for minor infractions when appropriate.² Nevertheless, the Department should provide internal direction to its staff through written confidential memos or discussion documents, allowing the Department to hold its officers accountable if citation trends vary from management's focus.

Since the towing scandal, and at the behest of the city council, the Department has generally complied with directives related to vehicles that it has towed, but it could improve in some areas. In March 2014, the city council authorized a resolution requiring the Department to undertake certain activities related to towing vehicles, including producing monthly reports on the tows it performs and updating its towing policy. The Department began producing monthly towing reports in May 2014 that include a notation of the legal authority for towing each vehicle, but the reports do not indicate the reasons for each tow, such as an accident or an arrest for driving under the influence. This information would provide the city council and the community with a more complete understanding about the circumstances of the tows. The Department also needs to update its towing policy to reflect the city council's directive from March 2014 on providing training to officers about towing vehicles, requiring a sergeant's approval to tow a vehicle, and compiling and presenting the monthly report.

¹ POST is a legislatively established state commission whose responsibilities include setting training standards for law enforcement in California.

² Throughout this report, we use the title *interim chief* to refer to the individual who led the Department during the period we conducted our audit fieldwork.

We also reviewed the Department's practices related to detecting and preventing conflicts of interest and the activities it performs as part of its outreach to the community. An academic study of conflicts of interest in policing that we reviewed states that conflicts of interest or misconduct may arise when an officer's private interests do not coincide with his or her official duties. However, the Department does not have written criteria that identify the types of activities that are incompatible. Rather than specifying screening criteria that would apply to all officer candidates regardless of the individual serving as chief at the time, the Department's current policy provides the chief with broad discretion in disqualifying candidates for officer positions. Adopting criteria, as the academic study suggests, may help mitigate potential inconsistencies in this process and prevent the Department from hiring officers who have engaged in incompatible activities. We also identified best practices from POST that could strengthen the Department's engagement with the community. Although the Department conducts various activities that can be considered ways of engaging the community, it has not incorporated these activities into its formal policies. As a result, the Department risks not performing such activities or not performing them consistently. A comprehensive community engagement plan would pull together the Department's planned activities and strategies, and it could also establish goals and timelines for the Department to achieve.

Recommendations

To provide for a more comprehensive review of complaints and to ensure that the public is aware of the Department's willingness to receive complaints in an open manner, the Department should strengthen its process with the following steps by December 2016:

- Update its complaint policy to require the chief to review all supervisor decisions related to personnel complaints.
- Modify its website to inform members of the public that complaint forms may be filed at city hall, through its website, or during its community presentations.
- Reach out to community organizations to connect with members of the community who may have complaints.

To better manage its operations related to issuing traffic citations, the Department should develop a process by March 2017 to conduct a quarterly review of its traffic citation statistics and follow up with its officers as needed to ensure a consistent enforcement strategy.

To hold its officers accountable, the Department should implement a policy by September 2016 to document the patrol directives, such as citation and enforcement strategies, that it provides to officers.

To ensure that its policies are consistent with the city council's directives and that it can hold its officers accountable for them, the Department should immediately update its towing policy to reflect the March 2014 city council resolution.

To address community and city management concerns about its towing of vehicles, the Department should, by December 2016, provide additional information in its monthly towing report about the reason that a vehicle was stopped and the reason the Department needed to tow the vehicle.

To ensure that it uses consistent standards to evaluate whether information found in an assessment of an officer candidate's moral character could lead to conflicts of interest, the city council should establish screening criteria for the types of activities and circumstances it considers incompatible with the official duties of an officer, such as a candidate's connections to drug use, amount of debt, and traffic citations.

To work more effectively with community members, the Department should create a formal community engagement plan, soliciting and incorporating community feedback to ensure that the plan is tailored to community needs by December 2016.

Agency Comments

King City generally agreed with our recommendations and stated that it will incorporate their implementation into its plan.

Introduction

Background

The City of King—also known as King City (City)—is located in Monterey County along U.S. Highway 101, roughly 150 miles south of San Francisco, as shown in Figure 1.

Figure 1
Map of King City and Monterey County, California



Sources: California State Association of Counties and Google Maps.

In 2010, based on the most recent data from the U.S. Census Bureau, the City's population was nearly 13,000, with almost 90 percent identifying as Hispanic or Latino. As in other parts of the Salinas Valley, the City's dominant industry is agriculture. The City was

incorporated in 1911 and is governed by a five-member council that appoints a city manager as its chief advisor and as the professional administrator of the City. The City has multiple departments—such as accounting and payroll, public works, fire, and police—which provide its residents with public services.

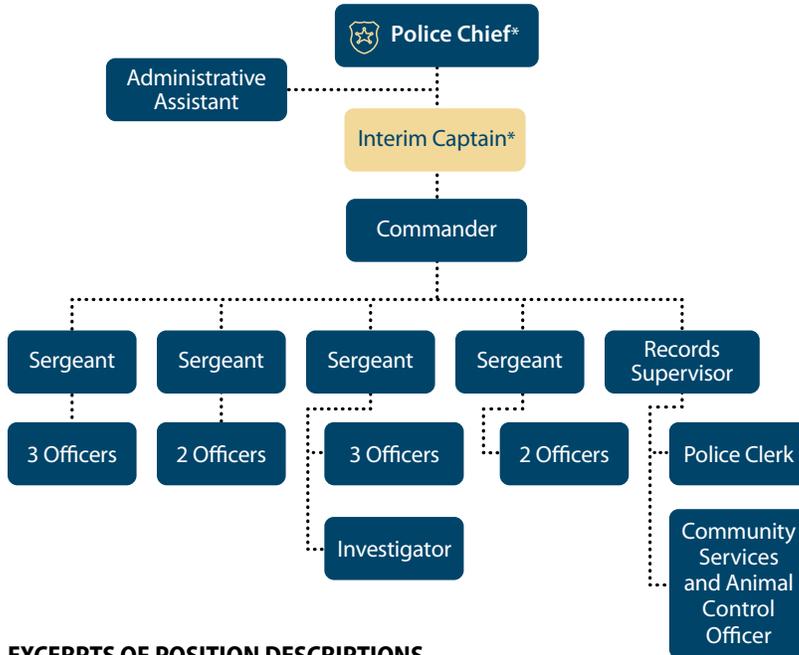
King City Police Department

The mission of the King City Police Department (Department) is to work in partnership with the community to protect life and property, solve neighborhood problems, and enhance the quality of life in the City. As shown in Figure 2, the chief of police (chief) oversees 10 officers, one investigator, and five supervising officers, who include one commander and four sergeants. These sworn positions are supported by an administrative assistant, a records supervisor, a police clerk, and a community services and animal control officer. In February 2016, the Department hired an interim captain to help it transition from leadership by an interim chief, who left the Department in April 2016, to leadership by a permanent chief, who began working at the Department in July 2016. The City allocates funding to the Department through its general fund budget, and in fiscal year 2015–16, this fund received more than half of its revenue from taxes. The Department's allocation for the fiscal year 2015–16 budget was approximately \$3 million.

Recent Events Involving the King City Police Department

In February 2014, the Monterey County District Attorney's Office (District Attorney) announced the arrest of six of the Department's police officers and one civilian, the owner of a local towing company who was the brother of the then-acting chief. The District Attorney charged one sergeant and the acting chief with accepting a bribe, and it charged the acting chief's brother with conspiracy to commit a crime and bribing an executive officer. Specifically, the investigation revealed a towing scheme wherein officers impounded the vehicles of economically disadvantaged persons of Hispanic descent. The vehicle owners were unable to pay the related towing and storage fees, and the vehicles were sold or provided for free to some of the officers. The District Attorney charged the remaining four officers with crimes unrelated to the towing scheme: two were charged with embezzlement in connection with the transfer of a police car to an officer, one with possession of an assault weapon and illegal storage of a firearm, and one with making criminal threats. Between December 2014 and March 2016, all six of the officers and the then-acting chief's brother pleaded guilty or no contest to various charges. A seventh King City police officer was arrested and tried for brandishing a firearm in October 2014, which occurred during an off-duty domestic dispute, and was convicted of that offense. All seven officers were either fired or resigned from the Department.

Figure 2
King City Police Department Organizational Chart and Position Descriptions



EXCERPTS OF POSITION DESCRIPTIONS

Police Chief

Under administrative direction from the city manager, plans, manages, oversees, and directs the operations and services of the King City Police Department (Department).

Interim Captain

Directly supervises Investigations and Records, oversees mentoring and training of subordinates, provides support to the new chief, and steps in as acting chief when necessary.

Commander

Under administrative direction, administers the activities of one or more police department divisions; develops and implements departmental policies, procedures, goals, and objectives; and develops and administers assigned budgets.

Sergeant

Under direction, coordinates, supervises, and participates in the activities and operations of a patrol watch or program unit of the Department.

Officer

Under general supervision, performs law enforcement and crime prevention work, which includes patrol duties, preventing and detecting crimes, and apprehending criminals.

Records Supervisor

Under general supervision, performs clerical law enforcement support duties and provides direction, oversight, and training for subordinate office support staff.

Community Services and Animal Control Officer

Under direct supervision, performs a wide variety of nonsworn technical and administrative support services, including municipal code enforcement, animal control, parking enforcement, evidence management, and front counter administration.

Sources: The Department’s organization chart as of February 2016, class specifications, job descriptions, and policy manual.

Note: The Department also has 10 unfilled reserve officer positions.

* The Department created and filled the interim captain position in February 2016 to provide support for the interim chief, who served until April 2016. The interim captain then took over as acting chief until a permanent chief was hired in July 2016, at which time the person in the acting chief position reverted to interim captain to support the new chief.

King City Police Department's Recruitment and Hiring Process for Officers

1. King City Police Department (Department) advertises the open position.
2. Department receives and screens applications to ensure that candidates have attended and passed the police academy.
3. Panel, usually made up of three individuals, conducts an interview with each candidate.
4. Department submits a candidate's name for a background check, which includes a polygraph examination.
5. City manager makes a conditional job offer if the chief is satisfied with the results of the background investigation. The conditional job offer allows the Department to send a candidate for medical testing, a physical exam, and a psychological exam.
6. Chief conducts a final one-on-one interview and makes a job offer to a candidate who passes all of the above.

Sources: The Department's interim chief of police and its policy manual.

The officers arrested in 2014 represented more than one-third of the Department's sworn officers at that time. In July 2014, the city council approved a resolution to contract with the Monterey County Sheriff's Office (Sheriff) for the use of its deputies to offset the shortage of patrol officers. Between February 2014 and April 2016, the chief's position was staffed by a series of individuals, as shown in Figure 3. To expedite the Department's recovery from the staffing shortage, its most recent interim chief streamlined the recruitment and hiring process. The interim chief stated that the Department's regular recruitment process followed the steps outlined in the text box, which are based on requirements in the Department's policy manual. To streamline the process, he eliminated the panel interview by the three individuals and instead conducted, along with the commander and sometimes the captain, an interview before sending the candidate through the required screenings (background check, medical testing, physical exam, and psychological exam). According to the Department's commander, as of May 2016, of the five openings that existed when the hiring process was streamlined, only two officer

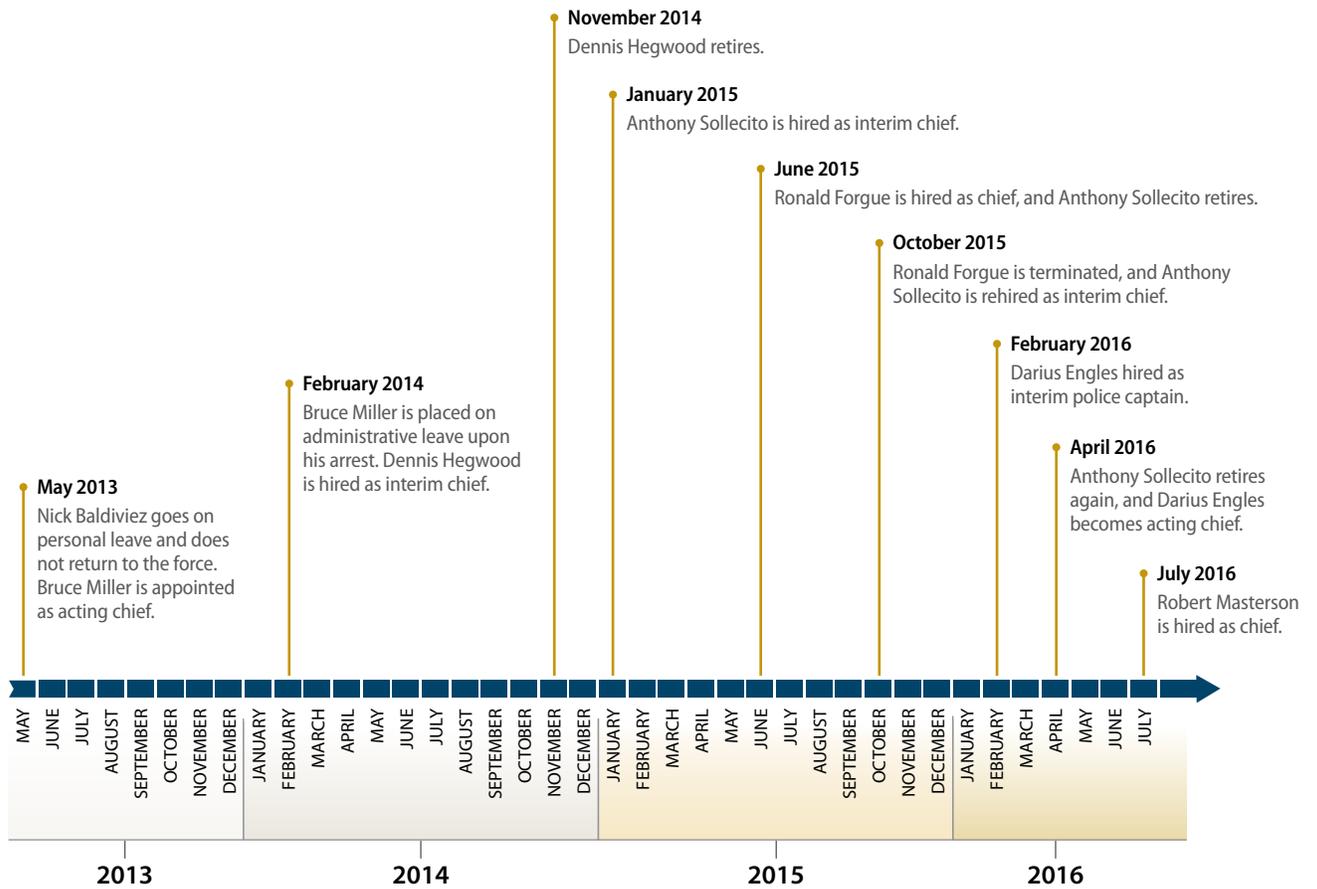
positions remained unfilled. Once the Department is fully staffed, the new permanent chief may choose to return recruiting efforts to the Department's standard recruitment and hiring process or implement an entirely new process. The city manager, who was appointed in October 2015, announced in June 2016 the appointment of a permanent chief who assumed the position in July 2016.

Commission on Peace Officer Standards and Training

The Department is a member of the Commission on Peace Officer Standards and Training (POST), which was established by the California State Legislature in 1959 to fulfill various responsibilities, including setting minimum selection and training standards for law enforcement personnel in California, as outlined in Table 1 on page 10. POST provides and certifies training courses intended to raise the level of competence of local law enforcement officers, and it reimburses member departments for costs associated with their staff's completing

such courses. As a voluntary member, the Department must adhere to POST's minimum standards for the selection and training of personnel and adhere to all POST regulations. The Department also must submit to compliance reviews, performed by POST, of the Department's adherence with those standards and regulations. Failure to comply with POST standards and regulations can result in loss of membership and denial of requests for services and benefits.

Figure 3
Recent Turnover of Police Chiefs in King City



Sources: King City Police Department's personnel forms and press releases and California State Auditor's interviews with department staff.

Table 1
Roles and Responsibilities of the Commission on Peace Officer Standards and Training

<ul style="list-style-type: none"> • Adopt rules establishing minimum standards for selection and training of peace officers.
<ul style="list-style-type: none"> • Develop and implement training courses to comply with statutes requiring the provision of specific peace officer trainings.
<ul style="list-style-type: none"> • Conduct research concerning job-related educational standards and job-related selection standards, including those for vision, hearing, physical ability, and emotional stability.
<ul style="list-style-type: none"> • Maintain a professional certification program for peace officers.
<ul style="list-style-type: none"> • Maintain a professional certification program for records supervisors.
<ul style="list-style-type: none"> • Review and approve trainings for Commission on Peace Officer Standards and Training (POST) certification.
<ul style="list-style-type: none"> • Allocate funds from the Peace Officers' Training Fund to reimburse member departments for completed POST-certified trainings.
<ul style="list-style-type: none"> • Conduct audits to ensure that member departments adhere to established training and selection standards.
<ul style="list-style-type: none"> • Provide counseling services to local jurisdictions to improve administration, management, or operations of a police agency.
<ul style="list-style-type: none"> • Prepare best practices and guidelines in specific areas that law enforcement agencies may follow.
<ul style="list-style-type: none"> • Develop regulations and professional standards for the law enforcement accreditation program.

Sources: California Penal Code sections 13500 et seq. and 13510 et seq.; California Code of Regulations title 11, section 1051.

Scope and Methodology

The Joint Legislative Audit Committee (Audit Committee) directed the California State Auditor to conduct an audit of the operations and practices of the Department. The audit analysis that the Audit Committee approved contained nine objectives. We list the objectives and the methods we used to address them in Table 2.

Table 2
Audit Objectives and the Methods Used to Address Them

AUDIT OBJECTIVE	METHOD
<p>1 Review and evaluate the laws, rules, and regulations significant to the audit objectives.</p>	<p>Reviewed the applicable laws and regulations significant to the audit objectives.</p>
<p>2 Describe the King City Police Department's (Department) current organizational structure, roles, and responsibilities, and determine whether this structure appears to be effective and efficient.</p>	<ul style="list-style-type: none"> • Reviewed the Department's organizational structure, and the roles and responsibilities of its positions for efficiency and effectiveness. • Interviewed staff at the Commission on Peace Officer Standards and Training (POST) to identify best practices for police department organizational structures, roles, and responsibilities. • Reviewed the Department's historical organizational structure and described how it has changed. • Compared the Department's ratio of sergeants and officers to residents to that of a nearby city (Greenfield) and found the ratios nearly identical, but significantly higher than that of another city (Hollister) we identified from the area. • Assessed the current organizational structure and positions and determined that they seem appropriate, effective, and efficient.
<p>3 Review the Department's budgeted and actual revenue and expenditures (referred to as <i>expenses</i> throughout this report) for the past five years, and determine the reasons for any significant variances in program and staff allocations. Further, review a sample of expenses to determine whether they were allowable and reasonable.</p>	<ul style="list-style-type: none"> • Reviewed the budgeted and actual expense reports of King City (City) for the Department for fiscal years 2010–11 through 2014–15. Consolidated expense line items from those reports into 10 expense categories—such as personnel, recruitment and training, general law enforcement, radios and communications, and office supplies—and confirmed our categorization with the Department's interim chief of police and the City's finance director. • Analyzed expenses by calculating the dollar and percentage variance for each year within each line item and for the expense category as a whole. Also calculated the standard deviation of the distribution of expenses across our period of review. Identified any significant variances of \$25,000 or more that also had a percentage change from the prior year of at least 20 percent, as well as variances for which the ratio of the standard deviation to the average for the five-year period was greater than 40 percent. • Interviewed staff at the City and the Department to obtain the reasons for any variances we identified. • Compared the City's initial and final budgeted expense amounts for the Department for fiscal years 2010–11 through 2014–15 to determine the extent the City appropriately budgeted for planned expenses or subsequently amended its budget to align with actual expenses. • Interviewed staff at the City to understand its informal process for developing and amending the Department's budget and approving expenses. Also interviewed staff at the City to develop an understanding of recently approved policies and procedures for budget development and expense approvals. • Judgmentally selected eight of the Department's expense transactions from each of the five fiscal years—40 total transactions—and determined whether they were allowable and reasonable by reviewing the invoices or receipts used to support the expenses, and whether the expenses were approved and were related to the Department's mission. As we discuss in the Audit Results, we identified some reimbursements that were not allowable or reasonable, and this finding prompted us to select eight additional reimbursements for review. We also identified an issue with the City's allowing a designee of the city manager to approve payments, which resulted in our review of two additional transactions that a designee approved.

AUDIT OBJECTIVE	METHOD
4 Assess whether the Department has appropriate policies and processes and whether it exercises oversight for various aspects of its operations, including the following:	
a. Determine whether the Department has a written disciplinary process and whether it has been properly and consistently followed.	<ul style="list-style-type: none"> • Reviewed its policy related to personnel complaints to understand the process for members of the public to file a complaint about an officer. • Reviewed the bargaining unit agreements for police officers and sergeants at the Department to determine whether additional protections exist beyond those included in state law. • Interviewed management at the Department to confirm our understanding of the personnel complaint process and how that process may lead to the investigation, and in some cases the discipline, of an officer or sergeant at the Department. • Obtained a listing maintained by the Department of all formal investigations initiated from January 2013 through December 2015 and reviewed all investigations that the Department had completed as of February 2016. Determined if those investigations adhered to relevant laws and the Department's policies. • Judgmentally selected five employees and reviewed their personnel files for evidence of any informal complaints.
b. Determine whether the Department has appropriate measures in place to identify and prevent conflicts of interest.	<ul style="list-style-type: none"> • Reviewed the City's conflict-of-interest policy. Reviewed the Department's policies for outside employment and vehicle towing and release. • Interviewed management at the Department regarding conflicts of interest, what it does to alleviate them, and whether management conducts any monitoring activities to ensure that officers are performing their duties appropriately. • Identified trainings developed by POST that are associated with conflict-of-interest policies. • Reviewed best practices on conflicts of interest as explained in the book by Cindy Davids, <i>Conflict of Interest in Policing: Problems, Practices, and Principles</i>, Institute of Criminology Press, Sydney, 2008. • Assessed the Department's policies in relation to best practices we identified. • Reviewed the background file for one newly hired officer and one veteran officer and identified any historical conflicts of interest or instances of inappropriate actions or activities.
c. Review the Department's policies and procedures for record and evidence retention for reasonableness, and, to the extent possible, determine whether they have been properly and consistently followed.	<ul style="list-style-type: none"> • Reviewed POST's requirements related to record and evidence handling. • Reviewed the Department's evidence policy and determined that the policy met POST requirements. • Obtained a listing of all evidence and records the Department processed from January 2013 through December 2015 and selected 12 items in evidence, including the two large amounts of cash that were on hand. Reviewed items of evidence or records and determined that staff processed the items appropriately, followed policies consistently, and disposed of or released items in a timely manner, if applicable. • Reviewed the Department's evidence oversight policies and compliance with those policies.
5 Review the Department's current recruitment and hiring practices, and determine whether it has plans for attracting and retaining quality personnel.	<ul style="list-style-type: none"> • Reviewed POST's best practices for officer recruitment. • Interviewed department staff and reviewed its hiring policies related to attracting and recruiting quality personnel and compared those policies to the best practices that we identified from POST. We found that the Department has processes for attracting and retaining quality personnel. • Judgmentally selected and reviewed the background files of five officers and found the Department followed its policies, as well as POST's requirements and best practices when hiring the officers.
6 Determine whether the Department provided adequate and appropriate training to its sworn officers and nonsworn personnel over the past year.	<ul style="list-style-type: none"> • Researched and documented the trainings POST requires for sworn officers. • Selected four sworn officers to determine whether they completed all required continuing professional training in the most recent training cycle, calendar years 2013 and 2014. For those staff who did not meet their requirements, evaluated the actions, if any, the Department took to ensure compliance. • Selected two nonsworn staff and determined that they completed all training required by POST as well as additional training related to their positions. • Reviewed tort claims made against the Department in the last three years and found that none were related to an officer not receiving the appropriate training.

AUDIT OBJECTIVE	METHOD
<p>7 Identify the number and type of traffic citations and penalties issued since February 2014 and identify any anomalies or spikes and determine the cause.</p>	<ul style="list-style-type: none"> • Because data were incomplete, we were unable to comprehensively review changes in the number and type of traffic citations the Department issued. Instead, we counted all citations to understand how the volume changed each month and identified a random sample of citations from February 2014 through January 2016 to determine the distribution of penalties and types of citations. • Categorized and analyzed citation data. • Followed up with department management to understand potential reasons for any patterns we identified in citation data.
<p>8 Describe the Department's plans for improving community relations, including relations with Spanish-speaking and immigrant residents, and assess the reasonableness of this plan. Specifically, determine whether the plan has specific actions and measurable goals.</p>	<ul style="list-style-type: none"> • Identified best practices for community engagement, including addressing diverse populations. • Determined, through interviews, that the department does not have a community engagement plan. Therefore, we reviewed and assessed activities for increasing community engagement by interviewing management and staff associated with those programs and reviewing related documentation. • Reviewed 10 community outreach events to determine if officers attended, if there was a Spanish language component, and if the event would lead to greater community engagement.
<p>9 Review and assess any other issues that are significant to the audit.</p>	<ul style="list-style-type: none"> • Interviewed representatives of two police departments in similar-sized cities (Hollister and Greenfield) and one police department in a larger city (Stockton) regarding aspects of their complaint processes and their tracking of gasoline usage. • Reviewed the investigation the Monterey County District Attorney's Office (District Attorney) performed to understand the nature of the towing scheme and inquired about the Department's oversight of towing before and during the period of these events. • Identified and reviewed department policies and practices to determine whether it addressed the new towing policies passed by the city council. • Interviewed staff and obtained documentation to demonstrate how management within the Department creates the monthly tow reports it provides to the city council. • Obtained each tow report since the Department began reporting to the City. Categorized number of tows by reason for tow and determined whether the reasons stated were allowable based on legal citations. • Reviewed patterns, such as changes in the number of towed vehicles by month, with department management. • Based on information from the District Attorney's investigation and reviews of specific towing incidents, determined whether the Department should make revisions to its towing reports.

Sources: California State Auditor's analysis of the Joint Legislative Audit Committee audit request number 2015-129, and information and documentation identified in the table column titled *Method*.

Assessment of Data Reliability

In performing this audit, we relied upon electronic data files extracted from various information systems. The U.S. Government Accountability Office (GAO), whose standards we are statutorily required to follow, requires us to assess the sufficiency and appropriateness of computer-processed information that we use to support our findings, conclusions, or recommendations. We obtained citation data from the Department's CrimeStar system for the purpose of determining the number and type of traffic citations the Department issued from February 2014 through December 2015. We performed a test of completeness to gain assurance that the data included all citations issued during the

period of review, but found that 211 citations, or 20 percent, were missing, as described on page 20. Consequently, we concluded that the CrimeStar data was not sufficiently reliable for the purposes of our audit. As a result, we performed alternative procedures that did not rely on the CrimeStar data to address the audit objective.

We also obtained the Department's expense data from the City's accounting system—also known as FundBalance—for the period from July 1, 2010, to June 30, 2015, to identify any significant variances in expenses during that time and to identify a selection of transactions to determine their allowability and reasonableness. We verified the completeness of the data by comparing total expenses to the City's audited financial statements for fiscal years 2010–11 through 2014–15. To gain some assurance of the accuracy of the expense data, we verified the data pertaining to each of the 40 transactions we judgmentally selected for expense testing with supporting documentation and assessed whether the transaction was assigned to an appropriate expense category. However, we did not perform accuracy testing on a random selection of transactions, which would have allowed us to project the results of this testing. Thus, we assessed the Department's expense data from the City's accounting system to be of undetermined reliability for the purposes of our audit. Although this determination may affect the precision of the numbers we present, we found sufficient evidence in total to support our findings, conclusions, and recommendations.

Finally, we obtained training data from the POST Electronic Data Interchange system to determine whether selected officers at the Department had attended required trainings. However, we did not perform accuracy and completeness testing on these data because the training data comes from a paperless system, and thus, hard-copy source documentation was not available for review. Alternatively, following GAO guidelines, we could have reviewed the adequacy of selected system controls that include general and application controls. We did not conduct these reviews because this audit is a one-time review of the adequacy and appropriateness of the training the Department provided, and we determined that it did not warrant the same level of resource investment as an audit of a state agency whose system produces data that may be used during numerous future audit engagements. However, to gain some assurance that the four officers we selected had attended the required trainings, we reviewed supporting documentation from the Department to the extent that it happened to maintain evidence that the officer had attended the training. As a result, we concluded that the training data was of undetermined reliability for the purposes of our audit. Although this determination may affect the precision of the number of trainings that officers attended, we found sufficient evidence in total to support our findings, conclusions, and recommendations.

Audit Results

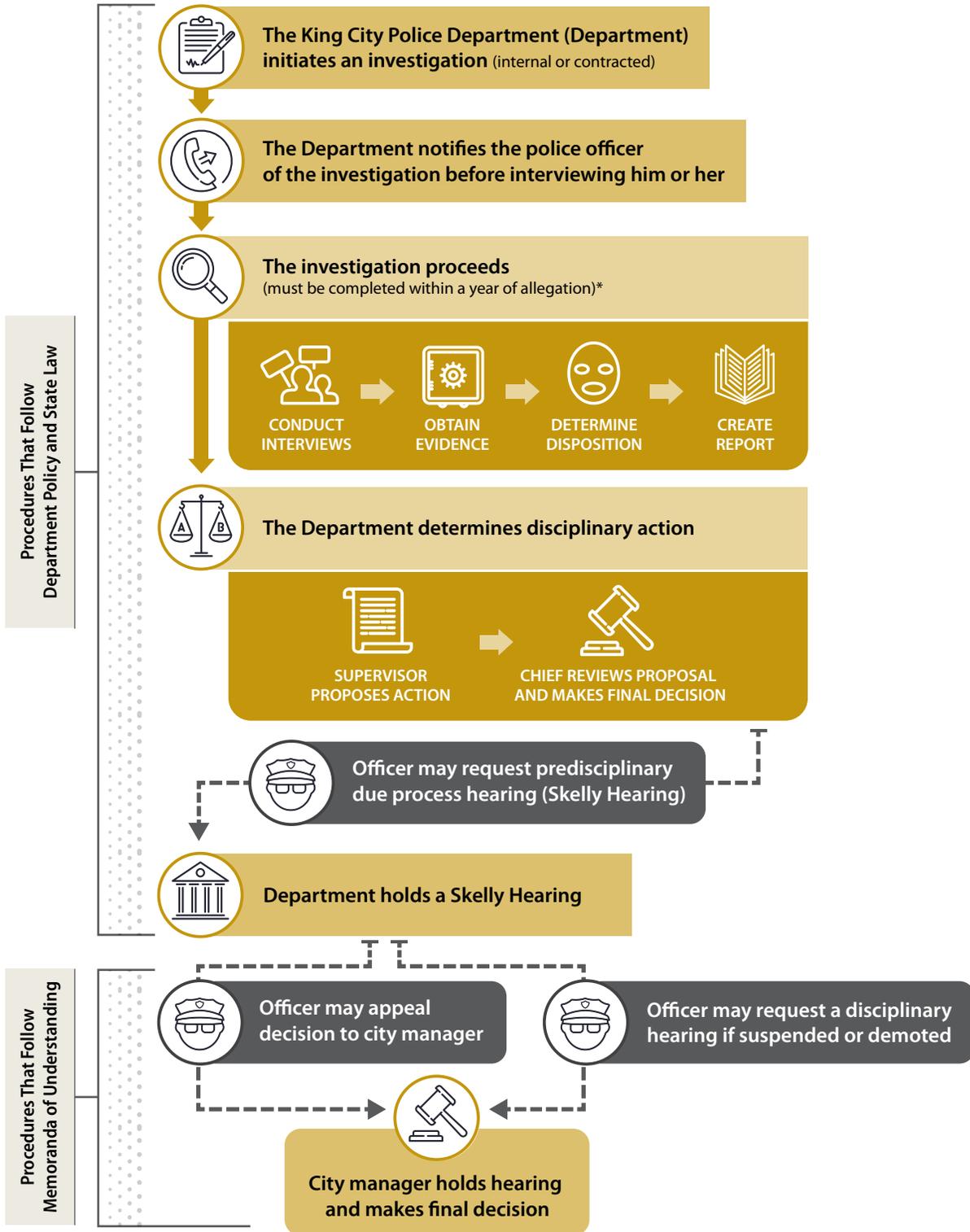
The King City Police Department Should Strengthen Its Management Practices to Improve Oversight and Help Prevent Officer Misconduct and Noncompliance With Its Policies

Although the King City Police Department (Department) has policies, procedures, and practices that help guide its operations, it should take specific steps to improve management practices in several key areas to prevent officer misconduct and noncompliance with policies. The Department follows an appropriate process for investigating written personnel complaints and any related discipline, but its management does not review key decisions its supervisors make when members of the public voice verbal complaints about officers. The absence of such reviews makes the Department susceptible to inappropriately dismissing legitimate complaints. We also found that the Department has not consistently used its traffic citation data to ensure that its officers are implementing police enforcement strategies that management had formally authorized. More recently, and as a result of the arrest of officers in February 2014, the Department began tracking and reporting monthly to the city council information on vehicles that officers towed, and this information includes the legal authority used to tow the vehicle. However, the Department's reports do not include additional information on why each vehicle needed to be towed, such as indications of the vehicle's involvement in an accident or of an arrest for driving under the influence (DUI), which would more clearly demonstrate that the Department is adhering to the city council policies of King City (City). Further, the Department lacks an effective method of tracking officers' purchases of gasoline, a key metric related to the work that officers perform in their patrol areas, and it has not conducted oversight activities in accordance with its evidence policy. By taking additional steps to address these deficiencies, management at the Department can work to prevent future officer misconduct or noncompliance and can strengthen community confidence in its operations.

The Department Should Reinforce Its Complaint Process to Demonstrate Transparency to the Public

Although its investigative and discipline process complies with legal requirements, the Department's current process for receiving complaints does not promote public transparency. As shown in Figure 4 on the following page, the Department's investigation and discipline process includes key steps, such as notifying the officer of the investigation, conducting interviews, obtaining evidence, and creating a report of the investigation's findings. Each step is

Figure 4
The King City Police Department's Investigation and Discipline Process Related to Formal Personnel Complaints



Sources: California state law as well as department policies and memoranda of understanding with the King City Police Officers' Association and King City Police Sergeants' Association.

■ Indicates steps initiated at officer's request.

* State law has several exemptions to this one-year period for some cases, such as those in which criminal investigations are pending.

prescribed by state law, department policy, or the Department's labor agreements, called *memoranda of understanding*. We determined that the Department adhered to its process in each of the 18 formal investigations it completed between January 2013 and December 2015. Nevertheless, the Department should improve its procedures for receiving and processing personnel complaints, a key source of information that can lead the Department to formally investigate an officer.

The Department's policies allow its supervisors, typically its sergeants, to make unilateral decisions pertaining to verbal complaints without any type of formal review. Figure 5 on the following page outlines the Department's process for receiving complaints from the public and for initiating an investigation based on the merits of the complaints.³ That process begins when it receives either a written or verbal complaint. The Department assigns *written* complaints directly to the chief of police (chief), who initiates an investigation. However, department policy delegates to supervisors the authority to decide whether a *verbal* complaint has merit and should be processed as a formal investigation or as an informal issue. A supervisor assessing a verbal complaint may determine it warrants a formal investigation, which would follow the process outlined in Figure 4. For a substantiated complaint categorized as informal, the supervisor addresses the issue by counseling the officer involved and documenting the discussion for reference during the officer's annual performance evaluation. According to the interim chief, this practice allows supervisors to handle a verbal complaint from a member of the public in an informal manner, which in many cases may be appropriate. However, this practice can also result in the Department's mishandling of the complaint, including its not thoroughly reviewing the conduct issue raised by the complaint. Strengthening its handling of informal complaints will allow the Department to ensure that they are fully addressed.

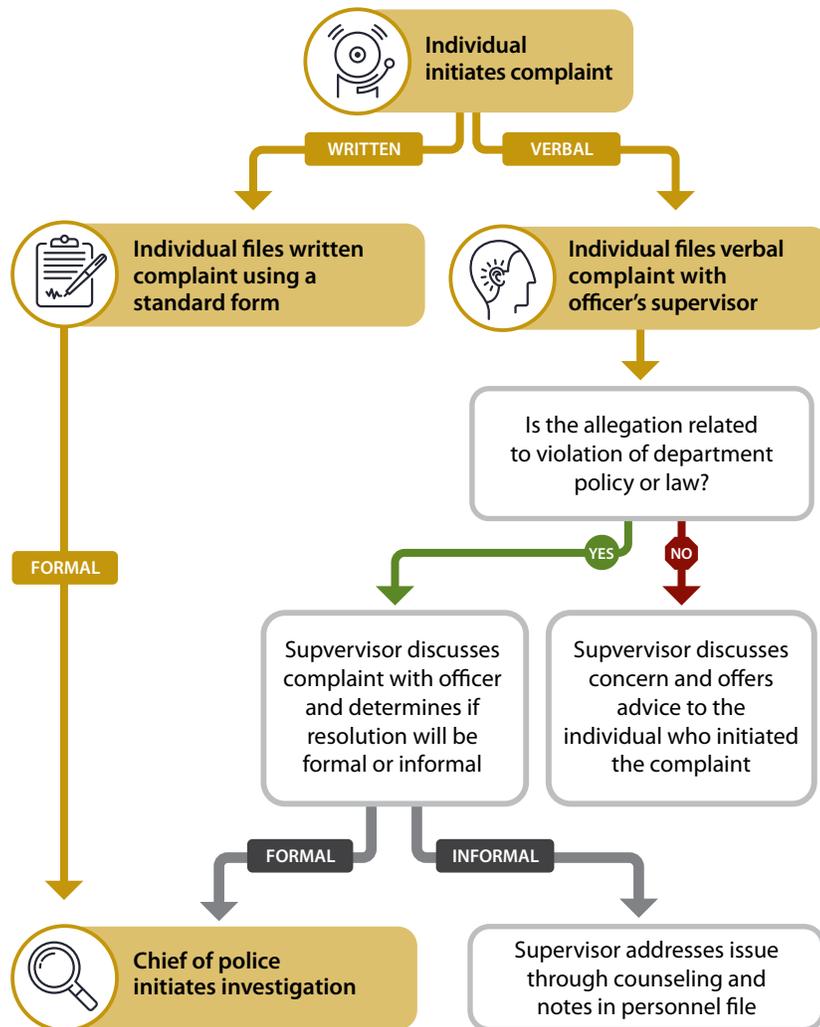
Lack of confidence in the Department's complaint process may have contributed to the duration of the recent towing scandal. As described in the Introduction, the Monterey County District Attorney's Office (District Attorney) announced the arrest of six members of the Department in February 2014, of which two were connected with a towing scheme. The District Attorney had reviewed five years of citations and case files wherein these individuals allegedly targeted drivers of Hispanic descent, towed their vehicles, and then kept, sold, or gifted the vehicles to other officers when the vehicles' owners were unable to pay impound fees. The District Attorney was assisting the Department with unrelated cases in late 2013, when, during interviews with the public, its

The Department's practice of handling a verbal complaint can result in mishandling of the complaint, including not thoroughly reviewing the conduct issue raised by the complaint.

³ The Department's policy does not differentiate between complaints it receives internally and those it receives from the public. We focused our discussion on complaints from the public.

investigative staff learned about problems with local police officers that ultimately resulted in these two arrests and several others on unrelated charges. However, the Department does not have any record of complaints filed by members of the public from January 2013 through December 2015 related to the towing scheme. The absence of these complaints may indicate lack of public confidence in the Department’s complaint process, as it appears that rather than file complaints with the Department, members of the public communicated their concerns directly to the District Attorney’s staff.

Figure 5
The King City Police Department’s Actions Pertaining to Written and Verbal Complaints



Sources: King City Police Department policy manual and interviews with its interim chief.

□ Indicates actions performed by the officer's supervisor.

Expanding the avenues for the public to file complaints and other concerns pertaining to the Department will likely mitigate the instances of undisclosed improper conduct by officers. Besides maintaining a complaint form on its website and in the lobby of its headquarters, the Department could solicit complaints more actively. According to the interim chief, the Department maintains a willingness to receive complaints from the public through these means. However, the Department's website does not explicitly draw attention to the complaint process. The home page of the website contains no references to the complaint process or community feedback, and the link to the webpage displaying the complaint forms is broadly titled "Police Forms."

We asked three other police departments—two similarly sized and one larger department, as described in Table 2 on page 13 in the Introduction—about the actions they take to maintain a positive relationship with the public. One department stated that it stresses transparency and welcomes hearing concerns as a way to solve problems in the police department. We found that police department's website includes detail on how to provide comments and feedback to the police department, including a letter from the chief of police stating that complaints may be provided to the watch commander, the chief of police, any elected official of the city, or the county district attorney's office and describing at a high level how the police department handles complaints. The Department could implement similar changes to its website. We also observed that the hard-copy complaint forms in the Department's lobby were not prominently displayed or identified by a sign. We found that the Department received only five formal complaints from sources outside the Department or other law enforcement agencies from January 2013 through December 2015. Further, for the five employees whose personnel files we reviewed, we found no evidence of any informal complaints from November 2014 through January 2016. We believe the Department should provide more opportunities for the community to submit complaints, as the recent low number of complaints received leads us to question the effectiveness of its efforts to date.

The Department could encourage more feedback from the public in many ways. For example, it could conduct informal surveys, solicit audience feedback during its community presentations, and engage with community organizations. These actions could help it solicit previously unreported concerns and connect with members of the community who may not otherwise feel comfortable submitting their issues to the Department. The City should also consider whether to establish a community advisory group, ombudsman position, or city council committee as an additional channel to receive complaints. During our interviews with other police departments, we found one department had established a

The Department's website does not explicitly draw attention to the complaint process.

police chief's community advisory board which, according to its website, is a 24-member board that has open dialogue with the police chief and strives to provide greater communication between the community and the police department. Although any process would need to comply with state law related to the procedural rights for officers, each approach provides a different resource for members of the public to use if they are uncomfortable interacting directly with officers and department management. These additional means for soliciting complaints would allow individuals to submit their concerns without fear that the Department will retaliate against them for making the complaint or that it will choose not to investigate their complaint.

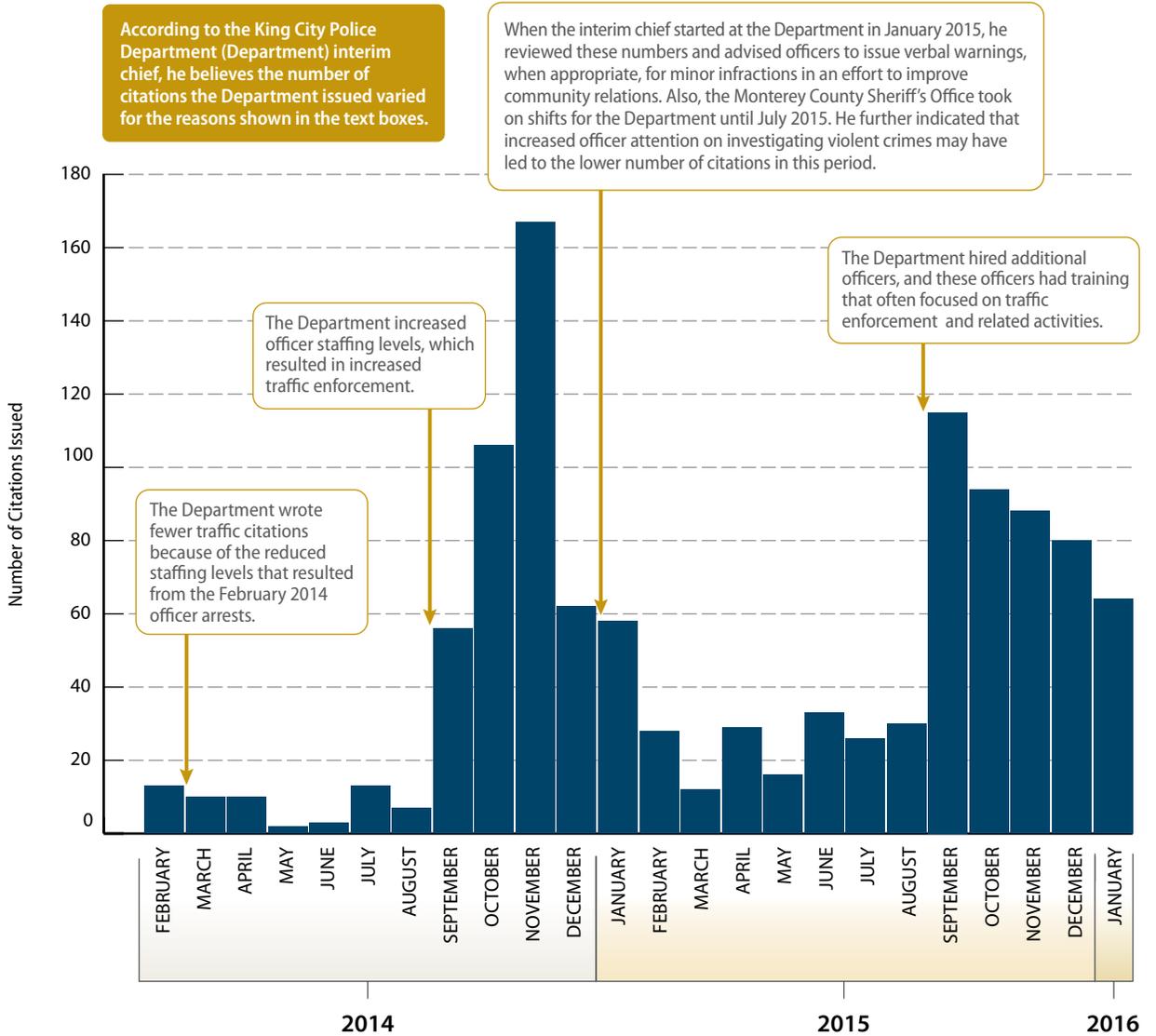
The Department Needs to Analyze Routinely the Citations Its Officers Issue

The Department's records management system did not maintain complete data on the citations its officers issued from February 2014 through December 2015. We attempted to identify the number and types of traffic citations the Department had issued since February 2014, the point when several of its officers were arrested, as previously discussed. As part of our audit fieldwork, we tested the citation data from that system to ensure that all of the citations that department officers had issued were included, and we determined that 211, or 20 percent, of 1,058 citations were missing from the data. The Department's interim captain stated that officers had incorrectly entered some citation information into the system during the time the Department was experiencing a shortage of the administrative staff who normally perform data entry, and he believes some citations may not have been entered into the system at all. As a result, the Department could not have accurately used the data in the system to run reports and monitor the citations its officers were issuing.

Because they were incomplete, the Department could not have accurately used the data in the system to run reports and monitor the citations its officers were issuing.

Because we were unable to rely on data from the Department's records management system, we performed a physical count of the citation documents the Department maintained, and we determined that the Department issued 1,122 citations between February 2014 and January 2016. When counting the citations, we were able to summarize the trends in the number of citations issued by month, as shown in Figure 6. For example, the Department issued fewer than 20 citations each month from February 2014 through August 2014. We reviewed this information with the Department, and the interim chief asserted that the low numbers of citations each month resulted from the arrests of the six officers in February 2014. This assertion seems reasonable, given that fewer officers than usual were on duty during that time to issue citations.

Figure 6
 Traffic Citations Issued by the King City Police Department From February 2014 Through January 2016



Sources: California State Auditor’s analysis of the 1,122 citations the Department issued from February 2014 through January 2016 and interviews with its interim chief.

In addition to reviewing the number of citations it issues over time, the Department could also better manage itself by regularly reviewing and analyzing other citation statistics, such as data on the types of citations issued by its officers that are maintained in its records management system once it corrects the information in that system. To analyze the types of citations and the related penalties, we reviewed a random sample of 89 citations from all the citations the Department issued between February 2014 and January 2016.

Because we analyzed a random sample, we can draw statistically valid conclusions about the population of the 1,122 citations issued during that period. As shown in Table 3, officers issued a majority of their citations for stop sign violations, cell phone usage while driving, and tinted windows; the latter two violations have wide variations in the penalty amounts assessed. The standard penalty amounts for the violations we reviewed ranged from \$25 for parking offenses to more than \$1,300 for a hit-and-run.⁴

Table 3

Summary of the Frequency, Types, and Penalty Amounts of Violations in a Sample of Traffic Citations the King City Police Department Issued From February 2014 Through January 2016

NUMBER OF CITATIONS	PERCENTAGE OF ALL CITATIONS	TYPE OF VIOLATION	PENALTY AMOUNT	
			LOW	HIGH
23	26%	Stop sign violation	\$238	
15	17	Cell phone use while driving	\$162	\$285
10	11	Tinted windows	25	197
7	8	Speeding	238	942
5	6	Expired vehicle registration	25	285
5	6	Seat belt violation	25	490
4	4	Double parking	25	
4	4	Tail lamp problems	25	197
16	18	Other violations*	Varies	

Sources: California State Auditor analysis of a random sample of 89 traffic citations and the Judicial Council of California's Uniform Bail and Penalty Schedules.

Note: These values represent our best estimates of the distribution of traffic citations issued during this period, given a 95 percent confidence level and a 10 percent margin of error that we used to select our sample.

* Other violations include those that our sample of traffic citations identified as occurring fewer than four times, such as having a modified exhaust system or running a red light. Penalty amounts ranged from as low as \$25 for blocking a driveway to as high as \$1,305 for a hit-and-run.

State law restricts police departments from establishing a policy that requires an officer to meet an arrest quota or from using the number of citations an officer issues as the sole criterion for promoting, demoting, dismissing, or providing a benefit to an officer. However, we believe that a review of the types of citations the Department issues could be conducted in a manner that would comply with state law. Specifically, management at the Department could conduct a quarterly review of the number and types of

⁴ The Judicial Council of California publishes a Uniform Bail and Penalty Schedule that identifies the general amounts motorists must pay if the violations are sustained. The amount includes the base fine plus many additional fees that support statewide initiatives, such as court construction and operations.

citations that its officers issued each month during the quarter and compare that information with data from previous years to identify trends and follow up with officers as needed to ensure a consistent enforcement strategy. This type of review is an example of the analysis that we expect the Department to perform regularly as part of its management and oversight of its officers and as recommended by Peace Officer Standards and Training (POST) training materials for tracking potential criminal activity. However, the Department could not provide examples of any reviews it had performed. According to the commander, the Department has retrieved crime statistics from its records management system as needed, such as in reaction to spikes in the number of robberies or stolen vehicles, but it does not have the staffing to maintain specific statistics year-round. We believe that once it corrects the incomplete information in its records management system, regular monitoring of traffic citations will enable the Department to more actively manage its officers and to provide clear direction on enforcement priorities.

The Department could also provide better direction to officers on issuing traffic citations and hold them accountable if it formalized those directions in writing. The interim chief explained that, when he began working at the Department in January 2015, he reviewed the citation data and saw the large number of citations that were issued during the last few months of 2014. After recognizing this trend in citation data, he verbally directed officers to alter their enforcement and focus more on community-based approaches by allowing them the discretion to issue verbal warnings, when appropriate, for minor infractions. Additionally, the Department could provide internal direction to its staff through confidential memos or discussion documents. By adopting this method, the Department would be able to better support the directions it provides to its officers and be able to hold its officers accountable if citation trends vary from management's focus.

The Department Has Not Fully Updated Its Towing Policy to Better Reflect a City Council Resolution

Although it started reporting to the city council in May 2014 on the number and nature of vehicles its officers tow, the Department should closely scrutinize its towing activity by reporting more complete information to the City and by incorporating the City's direction into its policies. In response to the towing scandal, the city council authorized a resolution in March 2014 requiring the Department to implement key activities related to towing vehicles, as listed in the text box. We reviewed the Department's compliance with these directives and found that since May 2014, it generally

March 2014 King City Council Direction to Police Department Regarding Towing Activity

- Do not tow for minor traffic offenses if vehicle is legally parked, registered, and insured.
- Require sergeant authorization for all tows.
- Provide training on the towing policy to officers twice per year.
- Provide a monthly report on the tows it has performed.
- Update its policy manual to reflect city council direction on towing vehicles.

Source: King City Council Resolution 2014-4431.

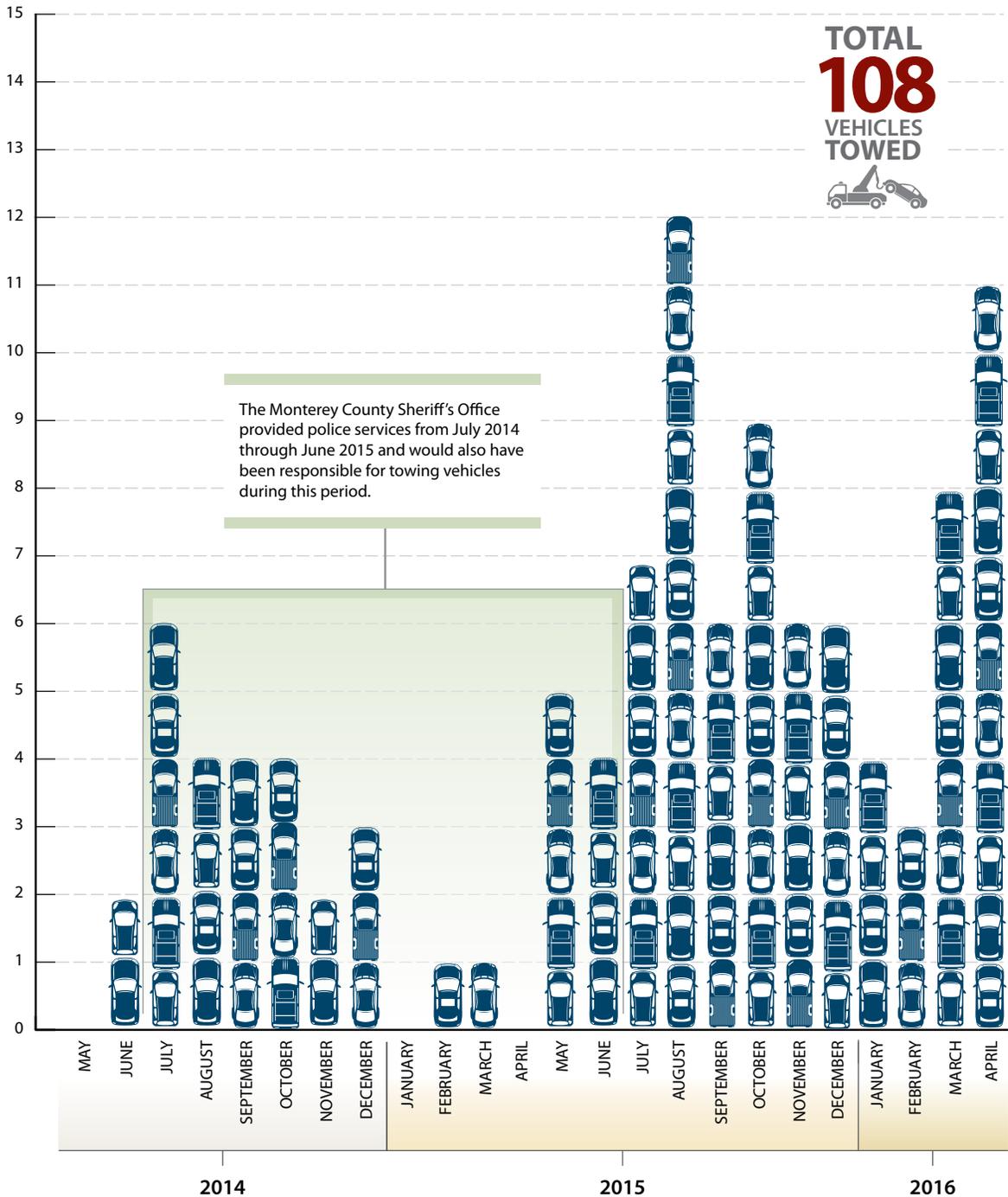
met the intent of the resolution, but it could improve in some areas. We focused our review on the Department's towing reports, which the city manager provides to the city council and which are available to the public. The towing reports produced by the Department for activity from May 2014 through April 2016 show a wide variation in the number of tows each month, as summarized in Figure 7. The interim captain attributed the variation to two factors. First, he noted that the numbers seemed to correlate with the agricultural activity of the area, as additional workers live and work in the area during the growing season from May to November. If true, this trend could explain the rise of towing activity during those months because of the increase in population and vehicular activity. The interim captain also remarked that variations in the underlying crimes and traffic violations that occur during a particular period can cause changes from week to week and month to month because the Department encounters differing volumes of situations—such as accidents, crimes, or traffic violations—that can lead to the towing of vehicles. For example, if the City experiences a rash of accidents or DUIs for a few weeks or months, the Department's number of tows increases as a result. To evaluate whether any of these factors affected the Department's number of tows, we reviewed the towing reports to understand the reasons officers had towed the vehicles.

In reviewing the events that led to the tows during the period of our review, we found that the Department towed vehicles in circumstances allowed by state law and within the city council guidelines we discussed previously. As displayed in Figure 8 on page 26, the Department towed 18 vehicles—17 percent of the 108 tows—because they had been in traffic accidents. The Department was also authorized by state law to tow the vehicles for all of the situations listed in the tow reports we reviewed. However, we questioned the Department's frequent towing activity for two common occurrences: driving by unlicensed drivers, whose vehicles accounted for 17 instances, or 16 percent of the tows, and driving by individuals with suspended licenses, whose vehicles accounted for 12 instances, or 11 percent of the tows. Because of the nature of the scheme perpetrated by former officers of the Department who towed vehicles for these reasons but who, in many cases, lacked probable cause to stop the drivers, we reviewed a selection of six, or approximately 20 percent, of these 29 towing incidents to ensure that the officers had probable cause to stop each of these drivers and therefore inquire into his or her licensing status. We were able to determine that the tows of these six vehicles complied with city council directives discussed earlier in this section and that the officer had probable cause to stop the driver. However, although the Department lists in the case files its authority to tow these vehicles, we found that it could have provided additional information in its report to the city manager to support the context of the tows. For example, the Department reported two tows that occurred because the drivers were unlicensed or had expired registrations, even though the case files also specify that the vehicles had each been involved in an accident and that both drivers of the towed vehicles had been driving under the influence.

The Department could have provided additional information in its reports to the city manager to support the context of the tows.

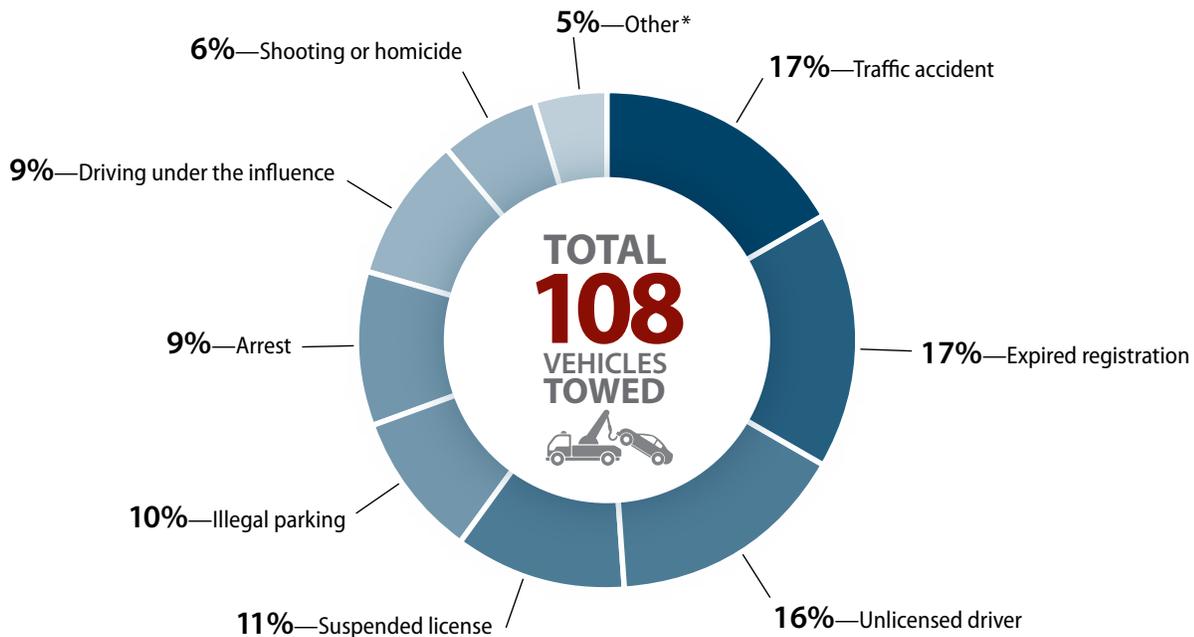
In another case, the Department reported that the tow occurred because of a suspended license, while the case file also indicates that the driver was arrested because of outstanding warrants, requiring the Department to remove the vehicle from the roadway.

Figure 7
 Number of Vehicles the King City Police Department Towed From May 2014 Through April 2016



Sources: California State Auditor's analysis of monthly towing reports provided by the King City Police Department.

Figure 8
The Statutory Authorities the King City Police Department Cited for the 108 Vehicles it Towed From May 2014 Through April 2016



Source: California State Auditor's analysis of monthly towing reports provided by the King City Police Department.

* The *Other* category includes probation violations, warrants, and vehicle repossession.

In the other three cases, the Department appropriately towed vehicles using a graduated approach to enforcement. The Department implemented a process in which it provides warnings and citations to unlicensed drivers before towing their vehicles. For example, in one case we reviewed, the officer decided to tow the vehicle because the driver had been issued a citation recently for driving without a license, and the officer who issued that citation had released the vehicle to a relative in lieu of towing it. Although the officer subsequently reminded the individual not to drive without a license, the driver continued to do so, and the vehicle was towed. The graduated approach seems reasonable in those situations where unlicensed drivers repeatedly violate state vehicle laws. In addition, we believe this approach is effective at fostering community engagement with licensing status, but it also allows an officer the discretion to exercise the legal authority to tow the vehicle if the driver repeatedly violates licensing laws.

Although we were able to obtain some useful information from the towing reports the Department produces, these examples illustrate that including additional information could improve the

usefulness of those reports to the City. The current format of the report does not provide information that addresses community concerns that officers may be targeting drivers of Hispanic descent, one of the areas highlighted by the District Attorney's investigation into the past towing scheme. Further, although the report lists the legal authority the Department used to tow each vehicle as the "crime" that caused the tow, that authority may not be sufficient for understanding the reason the vehicle needed to be towed. Identifying the reason that triggered the tow—such as an accident, a DUI, or other reason—would provide the city council and the community with a more complete understanding of the circumstances in which the Department tows a vehicle. Without this additional detail, the city council and public may develop a perception that problems exist with the Department's decisions to tow vehicles that are similar to the problems associated with decisions made by the officers arrested in 2014. This information would also allow department management to review officer compliance with the city council's resolution and to better monitor towing activity.

The Department should also update its policies to better reflect the directives the city council provided in 2014. In addition to one of the requirements described in the city council's 2014 resolution listed in the text box on page 23, the Department's current towing policy bans employees from purchasing vehicles that the Department has towed. However, the policy does not reflect the council's directive that the Department conduct two trainings each year on proper towing procedures. The commander stated that the interim chief addressed the training during department meetings in 2015, but she was unsure of the exact dates they were held, although all new officers review the Department's towing policies during trainings. Nevertheless, if this required training is not formalized in policy, it may get overlooked. Further, the policy does not include the city council's requirement that officers obtain the sergeant's approval before towing a vehicle. Finally, the Department's towing policy does not reference the monthly reporting to the city manager or how that report should be compiled and presented. Without fully incorporating these directives into its manual, the Department risks inconsistent implementation of the oversight reforms as staff and officers change over time.

Without fully incorporating these directives into its manual, the Department risks inconsistent implementation of the oversight reforms as staff and officers change over time.

Management Has Not Monitored Gasoline Purchases Its Officers Make so It Can Better Track Their Activities

If we exclude salaries and benefits from consideration, gasoline purchases rank among the Department's top five largest expenses in each of the five fiscal years we reviewed, averaging \$40,000 annually. In the Department's patrol division, police officers are

It is possible that an officer could refuel the vehicle to which he or she is assigned one day and then refuel a different vehicle the next day, rendering the recording of odometer readings useless for tracking the mileage a particular officer travels while on duty.

normally assigned to patrol areas so they can establish a connection with residents and businesses. To that end, the Department maintains a number of police vehicles that are assigned to officers for use during their patrols. Accordingly, gasoline usage should be directly related to the work officers perform for the Department. Although the Department tracks gasoline purchases through the use of gas cards, this tracking does not provide any useful information to management about its officers' activities and whether those purchases were, in fact, for official police business.

The Department receives periodic statements from its gas card company that detail the gasoline purchases charged to each card. The statement provides detailed information for each purchase, including the date and time, location, odometer reading of the vehicle when filled, and quantity of gas purchased. However, because the Department assigns cards to officers rather than to the police vehicles, it has no way of identifying the total fuel costs pertaining to each patrol car. According to the interim chief, officers are not consistently assigned to drive the same vehicles. Therefore, it is possible that an officer could refuel the vehicle to which he or she is assigned one day and then refuel a different vehicle the next day, rendering the recording of odometer readings useless for tracking the mileage a particular officer travels while on duty. Similarly, the odometer readings provide no indication as to whether the officer inappropriately purchased gasoline for his or her personal vehicle. The interim chief agreed that a better system would be to have each vehicle assigned a specific card that would be used only for that vehicle, thus making the odometer readings meaningful because they could be tracked regardless of who is driving the vehicle on a particular date. To provide additional information, the Department could also monitor who makes each gasoline purchase by either assigning each officer a unique number that the officer would enter at the time of the transaction—a suggestion made by the interim chief—or by maintaining a log that indicates when an officer had possession of a particular vehicle.

In addition to monitoring the use of police vehicles and the associated purchases of gasoline for patrol activities, the Department's review of the statements for gasoline purchases would allow it to identify potential instances of officers making gas purchases for purposes other than police business. During our review of a gasoline statement, we identified the purchase of an amount of gasoline—nearly 31 gallons—that exceeded the fuel tank capacity of the Department's vehicles. Management at the Department should have requested that the officer justify this abnormal purchase. The other police departments we contacted reported that they either track gasoline usage by vehicle or use another process to regularly track and review gasoline usage.

Establishing a system for scrutinizing these purchases will help management communicate to its officers the importance of using the gas cards for their intended purposes.

The Department Should Follow Its Policies and the State's Guidance to Provide Oversight of Its Evidence and Property Processing

The Commission on Peace Officer Standards and Training (POST) indicates that the *evidence and property function* of a law enforcement agency is important because it allows for the effective prosecution of criminals while confirming the innocence of others accused of crimes and because it aids agencies in returning evidence or property to the rightful owners. In 2013 the Department received criticism from local media regarding its handling of money that had been stolen during a bank robbery. According to POST, the failure of police departments to manage their evidence and property can affect the successful prosecution of criminal violators, resulting in agency liability or loss of public confidence. Therefore, according to POST, law enforcement agencies must establish effective policies and procedures to maintain a high degree of evidentiary integrity, to ensure the safekeeping of all items, and to preserve the chain of custody of the evidence or property. POST explains that these policies and procedures should, at a minimum, include regular audits, inventories, and inspections of the evidence and property facilities by qualified personnel and be documented appropriately. To this end, the Department maintains a section in its policy manual describing procedures for the proper collection, storage, and security of evidence and other property, including inspections by management of the evidence room to ensure that these procedures are being followed.

In that policy, the Department describes three main activities it performs related to oversight of evidence and property: a monthly visual inspection, an annual audit, and a physical inventory when a change occurs in the personnel who have access to the evidence room.⁵ However, that policy does not provide specific directions to staff on the steps they must take to complete these activities. According to POST, the major purpose of an *inventory* is to account for all items of evidence and property in the custody of the agency, while the focus of an *audit* should be to review the systems in place to locate, track, and account for items of evidence and property. In contrast, *inspections* address safety, cleanliness, functionality, and

The Department's policy does not provide specific directions to staff on the steps they must take to complete monthly inspections, annual audits, and physical inventories.

⁵ The policy also describes a fourth activity, an unannounced annual visual inspection directed by the chief, and we found evidence that the interim chief performed this inspection in 2015.

efficiency related to an agency's evidence and property facility. POST also provides guidance on some of the specific steps that law enforcement agencies should include for each activity.

Commission on Peace Officer Standards and Training (POST) Evidence Audit Guidelines

Police departments should determine and validate the following:

- Standards and policies are being routinely followed.
- Written documentation is appropriately maintained.
- Notification and release authorizations have been obtained.
- Evidence or property location and status are as listed.
- Evidence or property that has no evidentiary value is being disposed of according to policy.
- The processing of items, from their collection to disposition, is being randomly selected for review.

Source: POST Law Enforcement Evidence & Property Management Guide.

For example, POST states that procedures for an inventory should include a shelf-to-file inventory process, in which the person conducting the inventory reviews items of evidence and property against external information, such as case files, and develops a list that should then be reviewed for any items not accounted for in the files. As detailed in the text box, police departments should include procedures for an audit that determine whether the Department has routinely followed standards and policies. POST also states that agencies should document the results of each activity and direct them to the agency head. However, beyond specifying in its policy the frequency of each activity, the Department provides very little direction to its staff on how to conduct an audit, an inventory, or an inspection. For example, its policy for the annual audit states that the audit should be conducted by a captain, as appointed by the chief, who is not routinely or directly connected with evidence control, but the Department does not have any other procedures directing the steps

the audit should include. Without procedures for documenting the specific steps for each activity, the Department risks not adequately or consistently undertaking each of the oversight activities.

For situations where the policy does provide some level of detail, the Department has not consistently performed all of the oversight activities that we expected. Its policy states that a specific supervisor shall conduct a monthly inspection of the evidence and property storage facilities to ensure adherence to appropriate policies and procedures. The Department maintains a log in its evidence and property room to record all individuals who enter the evidence room and the purpose for their visits. Because of the nature of inspections, audits, and inventories, which require staff or supervisors to access the evidence and property room, we expected to see entries in the log referencing such activities at intervals based on the Department's policy. However, when we reviewed the logs from February 2015 through January 2016, we found only two entries in which inspections were listed. After we brought this shortcoming to the attention of the interim chief in February 2016, he stated that he would instruct the interim captain to schedule random monthly visual inspections. However, as of May 2016, the Department's records show that it still had not performed these inspections.

In addition, the Department did not perform an annual audit and could not demonstrate that it performed a comprehensive inventory in 2015. To support its assertion that it performed an inventory of its evidence and property facilities in 2015, the Department provided us with a spreadsheet listing all items held as evidence or property for safekeeping. However, this listing did not demonstrate that the Department had accounted for all items because it did not include notations that staff reviewed the listing against an external source of information about the items that were contained in the evidence and property room. This lack of detail in its listing may have resulted from the Department's lack of procedures that outline how staff should conduct an inventory. Moreover, the interim chief informed us that the Department did not perform an annual audit in 2015 because it believed that the annual audit could be suspended if the Department had performed an inventory, and it considered the activities pertaining to an audit to be included within the scope of an inventory. However, we did not find any guidance from POST stating that police departments may suspend their annual audits for any reason. According to POST, the procedures for conducting audits and inventories are different, as discussed earlier in the section. If the Department believed that conducting the inventory could satisfy the audit requirement, it should have demonstrated the steps that it performed in its inventory that were specific to audit activities. Without performing these activities or clearly documenting the steps it took during the inventory, the Department risks losing accountability over key items of evidence and property or maintaining evidence and property in a manner that does not comply with its policies, thereby negatively affecting the outcomes of prosecutions.

Without an audit and a complete inventory, the Department risks losing accountability over key items of evidence and property or maintaining evidence and property in a manner that does not comply with its policies, thereby negatively affecting the outcomes of prosecutions.

The King City Police Department Could Strengthen Its Operations by Incorporating Best Practices

To further strengthen its operations and relationship with the community, the Department could incorporate certain best practices into its policies and practices for identifying potential conflicts of interest, for hiring officers, and for developing a stronger relationship with the community. Specifically, when hiring an officer, the Department currently reviews the candidate's background but it does not establish screening criteria for certain areas that can lead to conflicts of interest, such as the candidate's amount of debt. Moreover, when interviewing candidates for officer positions, the Department should use standard interview questions for consistency among interviewers and include questions that cover all elements that regulations require. Such an approach would ensure that it has a more thorough understanding of the candidate's qualifications. Finally, the Department could further engage its community by implementing a community advisory group, formalizing its existing practice of using Spanish where appropriate,

and developing a community engagement plan. The Department has worked to engage its community and prevent conflicts of interest, but it could improve in these areas by formalizing its current practices and implementing other best practices.

The Department Should Expand and Formalize Its Existing Practices Related to Detecting and Preventing Conflicts of Interest

The Department conducts background investigations before hiring officers, in part to prevent misconduct and conflicts of interest, but it does not have written criteria identifying the types of activities that are incompatible with the officer position. As indicated in an academic study of conflicts of interest in policing (academic best practices), whenever the private interests of police officers do not coincide with their official duties, a conflict of interest or misconduct may arise.⁶ The Department has a policy that every officer candidate will undergo a thorough background investigation to verify his or her personal integrity and high ethical standards and to identify any past behavior that may be indicative of the candidate's unsuitability to perform the job duties. The background investigator is to produce a written report summarizing the results of the investigation, which includes the candidate's driving record, residency, and criminal and financial information. The investigator does not make a final determination on the suitability of the candidate for the Department. Instead, the chief makes the hiring decision by considering all available information, including responses to questions from in-person interviews, and the city manager approves that decision. However, the Department has not established minimum qualifying standards that all candidates must meet for its moral character assessments, such as not-to-exceed thresholds on past drug use, an acceptable amount of debt, or number of traffic citations received. For example, one background investigation we reviewed noted that the candidate had applied for a position with another police department and had been disqualified because he had recently used marijuana, and the investigation noted that the other police department had established criteria that disqualified candidates who had used drugs in the preceding five years. The Department's policy provides the chief with broad discretion for disqualifying candidates for officer positions rather than specifying screening criteria that would apply to all officer candidates regardless of the individual serving as chief. We believe the current policy may result in inconsistencies and questionable hires, considering the frequent turnover in the chief position over the last several years, as we discuss in the Introduction.

The Department has not established minimum qualifying standards that all candidates must meet for its moral character assessments, such as not-to-exceed thresholds on past drug use.

⁶ Cindy Davids, *Conflict of Interest in Policing: Problems, Practices, and Principles*, Institute of Criminology Press, Sydney, 2008.

Clear screening criteria for a chief to evaluate the results of the background investigations would mitigate the hiring of individuals who might later be determined to have conflicts of interest.

The Department could also limit potential conflicts of interest by developing a clear policy and corresponding procedures to ensure that its officers do not work on cases or investigations that involve family members. According to the academic best practices, officers' clear understanding of when it is appropriate to recuse themselves from matters concerning family-based relationships is an important aspect of dealing with this problem area, yet the Department does not have a written policy related to officer involvement in cases that include family members. The interim chief stated that in instances where a family member of an officer is involved in a call, the Department's practice is for another officer to respond if he or she is available. The interim chief further noted that in any instance where an officer is unavoidably involved in a call related to a family member, the sergeant or other command staff member informs the chief as soon as possible and notes the situation in the associated case file for future reference. Although we were able to identify an example of the Department's providing this direction to one of its officers on a recent case, we believe that documenting this practice in a formal policy would clearly communicate expectations to all of the Department's officers and staff. Moreover, establishing specific procedures for its staff to follow would assist the Department in preventing conflicts of interest. For example, its policy should clearly specify the types of prohibited activities, such as an officer's responding to a call regarding an incident involving a relative, and define the steps that the Department should take to document the issue and to assign an alternate officer to the case.

The Department Could Better Ensure That It Obtains Complete Information When Interviewing Officer Candidates

The Department is not addressing all of the required elements when interviewing a candidate for an officer position. POST established a series of questions in its *Interviewing Peace Officer Candidates: Hiring Interview Guidelines* manual (interview guidelines) to aid police departments in addressing the state regulations, which require them to assess the six factors shown in the text box when conducting interviews of candidates to determine their suitability for the job of peace officer. Since 2014 the Department has not had a comprehensive list of questions it consistently asks officer candidates during hiring interviews that address each factor in the regulations.

Commission on Peace Officer Standards and Training Interview Assessment Factors

- Experience
- Problem-solving ability
- Communication skills
- Interest and motivation
- Interpersonal skills
- Community involvement and awareness

Source: California Code of Regulations, title 11, section 1952.

Although the Department provided us with a list of five questions the interim chief used during interviews that were from POST's interview guidelines, this list did not include other questions that address communication skills, interpersonal skills, or community involvement and awareness. According to the interim chief, he was able to address communication and interpersonal skills through observing and listening to the candidate's responses to the five questions and through assessing the candidate's overall interview performance, including responses to follow-up questions. He also stated that the required background investigation addresses a candidate's community involvement.

Although POST allows for communication skills to be appropriately assessed based on a candidate's overall interview, the Department's approach does not fully address the other two requirements. Specifically, POST states in its interview guidelines that a police department may assess a candidate's communication skills through the conversation conducted as part of the interview. However, POST explains in these guidelines that the community involvement and awareness factor focuses on the candidate's experience and interest in community issues, respect for diversity, and ability to adapt his or her behavioral and communication style to the situation. Although a candidate's background investigation may provide insight into his or her level of community involvement, the Department may not obtain sufficient information to assess the traits that POST associates with this factor unless a reference contacted during the background investigation specifically discusses the candidate's respect for diversity or ability to adapt his or her communication style.

Additionally, the interim chief asserted that he could assess interpersonal skills through his interaction with the candidate during the interview. However, unlike POST's interview guidelines for the assessment of communication skills, for which specific questions are optional, POST's guidelines for assessing interpersonal skills do not provide a similar level of discretion. Interpersonal skills are distinct from communication skills because the latter focus on clarity of speech in both tone and content, listening skills, and nonverbal communication, whereas interpersonal skills focus on whether the candidate can behave correctly in various social situations, interact tactfully and effectively with a wide variety of individuals and groups, empathize with individuals and groups, and generally accept others. Consequently, general interaction with the candidate in the interview setting would not necessarily reveal the individual's ability to address these areas. By documenting all of its questions and ensuring that they address each of the required factors, the Department would ensure that it asks the same questions of all candidates and would be better able to assess how a candidate

would engage with the community, other officers, and management. Recognizing the importance of the hiring process, the City established a part-time, temporary human resources position in April 2016 that, according to the city manager, will review hiring processes throughout the City and provide oversight for each step in these processes, including the Department's hiring process.

The Department Participates in Community Engagement Activities but Has Not Developed a Community Engagement Plan

The Department performs many community outreach activities throughout the year that are consistent with best practices for community engagement as identified by POST, but it has not formalized these efforts through policy or a community engagement plan. Although the Department conducts several activities to foster community awareness in officers and to provide outreach to the community, it has not documented its approach. For example, its field training program aims to familiarize new officers with the people and places of King City. Its officers also conduct institutional engagement activities in which they interact with such established organizations as church groups, civil boards, hospitals, and youth groups. These activities are also listed in POST trainings related to community outreach. However, the Department has not included any of these processes or activities in its formal policies. Consequently, it risks failing to perform such activities when it does not document these essential processes in a formal policy or long-term community engagement plan. A comprehensive community engagement plan would pull together the Department's planned activities and strategies, and such a plan could also lay out goals and timelines that the Department wishes to meet. The Department could then measure its performance in meeting the goals it has established, such as establishing contact with a certain percentage of the City's school children. This approach would also help address any lingering community mistrust arising from the officer arrests discussed earlier.

In addition to updating its policies and creating a plan, the Department could make some improvements to its existing efforts to engage with its community. We reviewed 10 community engagement events the Department reported it attended during 2015, and we confirmed that officers attended the events and that the events generally appear likely to have encouraged community engagement with the Department. However, the Department did not consistently advertise in Spanish the events we reviewed, an omission that we believe constituted a deficiency given that the U.S. Census Bureau reported that nearly 50 percent of the City's population does not have a proficient understanding of English. For example, in July 2015, the Department sponsored a teen swim

Although the Department conducts several activities to foster community awareness in officers and to provide outreach to the community, it has not documented its approach.

The Department could further engage its community through a survey and a community advisory group focused on police activities to improve its understanding of community concerns and to address such concerns in a timely manner.

night with the City's recreation department, but its advertisement for that event was printed only in English. We expected this promotional material to appear in both English and Spanish in consideration of the community's diversity. The city manager stated that he established a practice and directed department staff in late 2015 to produce all documents distributed to the public in both English and Spanish.

Besides attending events and planning presentations throughout the City, the Department could further engage its community through a survey and a community advisory group focused on police activities. According to POST's training materials related to policing in the community, one way the Department could solicit feedback from the community is through a questionnaire designed to learn about the community's perception of its service and to identify the problems most important to the members of the community. The commander stated that the Department has not solicited community feedback because its staffing has been limited and because it has been focusing on rebuilding itself. However, because the Department serves the community, it is imperative that it undertake activities to improve its understanding of community concerns and to address such concerns in a timely manner. Finally, we identified through POST another best practice from which the Department could benefit: the formation of a community advisory group that is similar to the type of group discussed previously in the section pertaining to personnel complaints. This advisory group would consist of representatives from the community who meet regularly to discuss and communicate to the Department the community's concerns about law enforcement. According to the city manager, the City has considered forming a community task force to develop a comprehensive plan to address youth violence but has not taken any specific action in the absence of a permanent chief. With a new permanent chief in place as of July 2016, the city manager anticipates that the formation and initial meeting of this task force will take place as early as September 2016. Such a group is important because it could provide an opportunity for the Department to solicit feedback from the community and gain a better understanding of the community's perspectives related to the Department's policies.

King City Should Continue to Monitor Its New Expense Approval and Budgeting Processes

The Department formerly lacked oversight and thorough management of its financial processes, but it has recently begun to implement changes in processes to improve its operations. We reviewed city reimbursements to members of the Department, and although we found the reimbursements to be generally reasonable and allowable, we identified several minor charges pertaining to a reimbursement from 2015 that appear questionable, apparently

resulting from the City's poor controls at that time. The City subsequently implemented new procedures to strengthen these controls. Additionally, as part of our comparison of budgeted and actual expenses for the past five fiscal years, we found that the Department significantly exceeded its budget in some areas because it did not adequately estimate future expenses. The City implemented a new budget preparation process in early 2016 in an effort to prepare more realistic budgets and help departments adhere to these projections. Because these financial management policies are relatively new, the City should closely monitor the appropriateness of its reimbursements and the reasonableness of its departments' budgets.

Its Prior Process for Approving and Paying Employee Reimbursements Caused the City to Issue Inappropriate Reimbursements

We reviewed 40 expenses the Department incurred from fiscal years 2010–11 through 2014–15, and although most expenses were allowable and reasonable, the City needs to improve its controls over reimbursements. Specifically, we selected eight of the Department's expenses from each year during that period. We reviewed each expense to determine whether it was supported with an invoice or receipt, was approved by a department manager—in most cases the individual serving as chief—and the city manager, was billed to the appropriate line item, and was related to the Department's mission. In general, we found that each expense met these criteria. However, one expense—a reimbursement to a former department employee—included charges totaling \$125 that we determined were not allowable or reasonable and another charge of approximately \$152 that lacked adequate supporting documentation.

In June 2015, the City hired an individual to fill the role of permanent chief and agreed to reimburse him for moving expenses as part of his employment contract. Although the city council subsequently terminated his employment in October of that year, he submitted a reimbursement request for nearly \$3,700 in moving expenses that the City paid in July 2015. However, we found charges totaling approximately \$125 that he claimed as moving expenses were not appropriate. His moving expenses included two separate charges for a spa, a charge for what appears to be a monthly membership fee for a music store, three in-flight charges from an airline, and a payment protection fee pertaining to his personal credit card. These charges were summarized on a credit card statement, but the City does not have any record of receipts that the former chief should have provided for these expenses. We also questioned the accuracy of a lodging expense included in the former chief's same reimbursement claim, for which the hotel receipt had the charges and payments redacted from the document. The only reference to the expense

The chief at the time claimed moving expenses that included two separate charges for a spa, a charge for what appears to be a monthly membership fee for a music store, three in-flight charges from an airline, and a payment protection fee pertaining to his personal credit card.

We question whether the City may have authorized similar types of payments because of a lack of controls over reimbursement approvals.

amount was a handwritten note on the receipt indicating that the dollar amount for reimbursement should be \$151.80, yet the City still reimbursed the former chief for this amount. The fact that the City reimbursed the former chief for these expenses demonstrates that its controls over its process for paying claims were not sufficient.

Although the amounts of these expenses were relatively small, we question whether the City may have authorized similar types of payments because of a lack of controls over reimbursement approvals. In this situation, the city manager had designated another city official to approve reimbursement requests in his absence, and the City paid the former chief for all of the expenses he claimed based solely on this designee's approval. To determine whether the City inappropriately approved other reimbursements or made other payments based on the authorization of another city official acting on behalf of the city manager, we reviewed eight additional reimbursements and two other expenses that a designee approved, and we identified weaknesses in the approval processes for two of the reimbursements. The City was unable to provide supporting documentation for one reimbursement to justify its appropriateness. The other reimbursement involved the Department's commander, who purchased supplies for the Department and then reimbursed herself for the purchase from the Department's petty cash fund. Although the nature of the purchase appears reasonable and appropriate, the process for obtaining reimbursement from the petty cash fund involved the commander's approving her own reimbursement request and authorizing the City to replenish the petty cash for the amount she used.

When we discussed these concerns with the City's finance director, he agreed that the City should not have issued the former chief's reimbursement for the items we found or allowed the commander to approve her own reimbursement from the petty cash fund. He stated that although the City had an unwritten policy requiring receipts to support all expenses and reimbursements, the general practice was to issue payment if a city manager or designee approved an expense, even if invoices or receipts were absent. However, without requiring submission and review of receipts and invoices for all expenses, including employee expense reimbursements, the City risks paying for unnecessary or inappropriate items, and it may also create the opportunity for individuals to submit fraudulent expenses for reimbursement.

In February 2016, the City approved a new policy for expense approvals, including reimbursements, that addresses the deficiencies we identified in its process. Under its new policy, the City requires the Department to attach all receipts when submitting an invoice for payment, and the finance director or the finance director's designee must review the receipts before approving the invoice

for payment. The policy also requires the finance director to forward any irregularities or issues identified during the review process to the city manager for potential investigation. Increasing scrutiny of reimbursements by requiring city departments to submit receipts to support all reimbursements and requiring the finance department to review each of the receipts should assist the City with identifying reimbursements for expenses that are unallowable or questionable. The City's new policy also established the use of a single citywide petty cash fund that is maintained at city hall, and the finance director stated that the Department's petty cash fund has been eliminated. These changes will restrict the Department's use of the petty cash fund and remove the opportunity for department staff to approve their own petty cash reimbursements.

King City Inaccurately Portrayed Its Estimates of Certain Budgeted Expenses

The City's process for developing its past budgets lacked thorough analysis and consideration of known information for specific expenses. As a result, the Department exceeded its budget in certain areas. According to best practices recommended for small police departments by the International Association of Chiefs of Police, the foundation of a thorough budget involves incorporating projected expenses to ensure that appropriate levels of funding are allocated to address departmental needs and priorities. This analysis should include a comparison of prior years' budgeted and actual expenses to determine the accuracy of previous budget decisions and whether changes are needed. It should also include an estimate of future expenses based on known expenses or anticipated changes, such as personnel changes, pay increases, and equipment purchases. Performing this type of analysis allows a city to minimize variances between budgeted and actual expenses. However, in our review of the City's budgeted and actual expenses for the Department, we determined that the City did not appropriately anticipate and budget for certain known future expenses from fiscal year 2010–11 through 2014–15; as a result, the Department significantly overspent in some areas of its budget.

The Department's budget consists of nearly 75 expense line items such as regular salaries, health insurance, office supplies, fingerprinting supplies, uniforms, and 911 dispatch services. We found that the Department's expenses varied on average by more than 50 percent from the amount the City budgeted in an average of 37 line items each year. For some line items, the Department spent less than the City had budgeted, a situation we discuss later in this section, but in many cases the Department spent more than the City had budgeted. For example, the City did not sufficiently budget for the Department's fiscal year 2014–15 recruitment expenses, although the City knew that these expenses would be significantly higher than in past

The City did not appropriately anticipate and budget for certain known future expenses from fiscal year 2010–11 through 2014–15; as a result, the Department significantly overspent in some areas of its budget.

years because of the Department's staffing shortage. Specifically, in fiscal year 2014–15, the City budgeted only \$4,500 for recruitment expenses—less than it spent on recruitment expenses in each of the two prior fiscal years—but it ultimately spent more than \$38,000, exceeding its budget for recruitment by more than \$33,000. Moreover, the City and the Department should have known that the Department would need to spend more on recruitment associated with hiring new officers following the February 2014 arrests of, and subsequent vacancies left by, six officers. Also, the Department was well aware of many of the actual costs pertaining to recruitment, such as a fixed amount of \$2,300 per candidate that it incurs for the four required screenings before hiring a candidate. At the very least, if the City had considered the known cost of sending six officer candidates to these required screenings, it should have budgeted a minimum of \$13,800 for recruitment expenses. The interim chief also explained that more than 50 percent of the candidates do not pass the background investigation, which is one of the four required screenings, and that sending additional candidates through this investigation increases the average cost of hiring a new officer to \$3,775 per offer extended.⁷ If we factor in this additional information, a more accurate estimate of the costs of replacing the six officers would be \$22,650. According to the commander, poor publicity after the February 2014 arrests had a negative effect on hiring and recruiting, so we expected that the Department would spend more resources than usual on the recruiting and hiring effort.

The City failed to appropriately budget for costs associated with a radio upgrade project that it and the Department had been aware of since at least December 2013.

In another example, the City failed to appropriately budget for costs associated with a radio upgrade project that it and the Department had been aware of since at least December 2013. Specifically, the City budgeted only \$8,000 in fiscal year 2014–15 for radio maintenance at the Department, although the City was well aware of the radio upgrade project, which was estimated to cost roughly \$25,000. The City knew about these costs because it had previously entered into an agreement with Monterey County (County) and other law enforcement agencies in the County; this agreement committed the Department to spending approximately \$12,000 in project costs for fiscal year 2014–15 as well as additional costs related to the operation and maintenance of the radio system that the County indicated would cost just less than \$13,000. Because the City knew about these initial costs, it could have incorporated a reasonable estimate into the Department's fiscal year 2014–15 budget. Alternatively, the City could have adjusted the budget in September 2014—just three months after

⁷ Peace officer candidates are required to pass four screenings that cost a total of \$2,300 per candidate: a background investigation (\$1,200), polygraph (\$275), psychological screening (\$750), and medical screening (\$75). Per department policy, the polygraph is part of a candidate's background investigation. Because, on average, at least 50 percent of candidates do not pass the background investigation, the Department pays for two background investigations and polygraphs and for one psychological and medical screening for each new hire, costing a total of \$3,775.

the start of the City's fiscal year—when it knew the exact amount of these additional costs. Nevertheless, the City budgeted just \$8,000 for radio maintenance and made no adjustments to account for the additional costs, causing the Department to exceed its budget for radio maintenance.

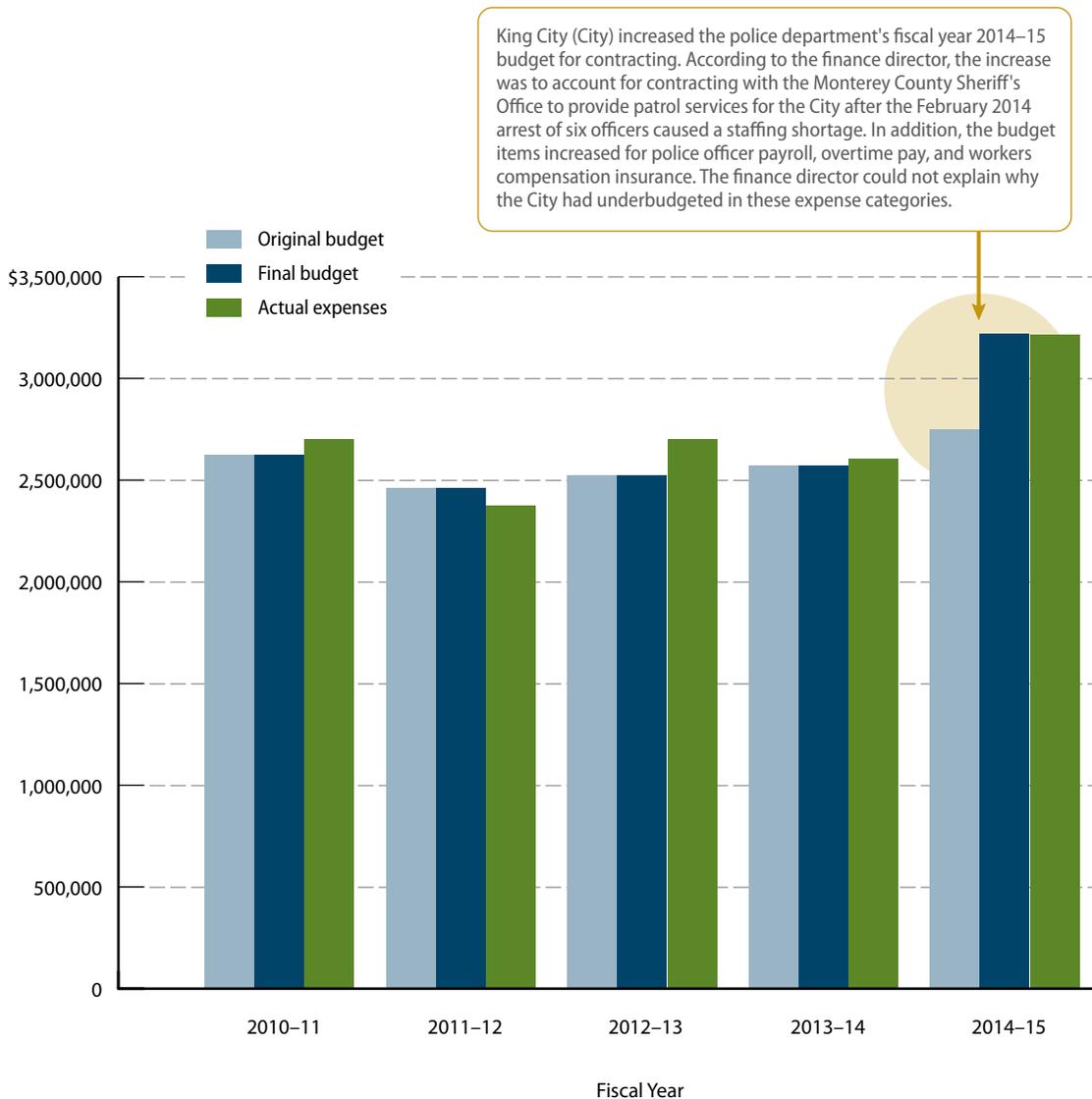
The City's failure to appropriately budget for these expenses resulted from its previous budget development process, which lacked specific steps for thoroughly analyzing past and future expenses. The City's finance director was unable to explain why the City had not accounted for these known expenses when developing its fiscal year 2014–15 budget. According to him, before 2016 the City did not follow a formal written policy governing the development of its budget. Instead, the process was administered by the previous city manager, who collected proposed budgets from the City's department heads, compiled them, and submitted them to the finance director to determine whether the budget was balanced. The finance director stated that the City did not follow a systematic process based on a thorough review of future expenses that could be used to estimate increases in budgeted expenses; rather, the City increased the budget for certain expenses by amounts that were not supported by historical data or reasonable assumptions. He also stated that the City did not routinely conduct midyear budget reviews to monitor department budgets, identify potential budget shortfalls, and determine whether departments needed to adjust spending to avoid exceeding their budgets.

Although the Department generally did not significantly exceed its overall budget in fiscal years 2010–11 through 2014–15, as shown in Figure 9 on the following page, the impact of not adequately considering future expenses can result in unreasonable budgets that can undermine fiscal oversight by city management. Despite the City's failure to budget for known expenses, the Department generally remained within 10 percent of its overall budget during fiscal years 2010–11 through 2013–14. In addition to underestimating the expense of some line items, the City overestimated the necessary budgeted amounts for other line items. For example, in fiscal year 2014–15, the City budgeted \$182,500 for the use of the County's 911 dispatch services, an amount that was generally in line with the \$189,093 that the Department had spent for that service in fiscal year 2013–14. The actual cost for those services in fiscal year 2014–15 was only \$134,552—nearly \$50,000 less than the City had budgeted—which saved the Department from spending those funds. However, if the Department had spent the amount that the City had budgeted for those services, it would not have had this additional amount available for other purposes, and it would have overspent its overall budget by about \$41,500. Such overspending could be particularly harmful to the City in light of the \$4.7 million general fund deficit that the City had accrued as of the end of fiscal year 2014–15. This risk of

Before 2016 the City did not follow a formal written policy governing the development of its budget and did not routinely conduct midyear budget reviews to monitor department budgets.

overspending coupled with the magnitude of the citywide general fund deficit necessitates more careful, thorough budgeting at the department level to reduce overspending.

Figure 9
Budget and Expenses for the King City Police Department for Fiscal Years 2010–11 Through 2014–15



Sources: The City's revenue and expense reports for fiscal years 2010–11 through 2014–15 and interviews with the City's finance director.

In January 2016, the city council approved a new policy on budget development that will provide the City with the framework for developing budgets that account for known expenses more effectively than its previous budget process did. The new policy

requires the city manager, in conjunction with the finance director and department heads, to review past expenses, to assess operational needs and citywide goals, and to develop expense projections. According to the finance director, the meetings between the chief, the finance director, and the city manager will involve a discussion of the Department's budget needs, including known future expenses. This level of detailed analysis and consideration of the Department's past and future expenses will allow the City to develop more precise line-item budgets than it had prepared in the past and help it to minimize instances of overspending. According to the finance director, the City will also conduct midyear reviews of the budget status each year, and these reviews will allow it and the Department to make any necessary adjustments to line-item budgets and department spending to remain within budget. The City has begun implementing the new budget policy, having conducted a midyear review of the Department's fiscal year 2015–16 budget. The city manager and the finance director discussed the budget for fiscal year 2016–17 with the city council, and, after some adjustments, the city council approved the budget in mid-June. Implementing its new process for developing its budget will position the City to be more aware of the Department's changing needs as well as opportunities for reducing department expenses and relieving pressure on the City's general fund.

Recommendations

To provide for a more comprehensive review of complaints and to ensure that the public is aware of the Department's willingness to receive complaints in an open manner, the Department should strengthen its process with the following steps by December 2016:

- Update its complaint policy to require the chief to review all supervisor decisions related to personnel complaints.
- Modify its website to state explicitly its openness to accepting all complaints, and inform members of the public that complaint forms may be filed at city hall, through its website, or during its community presentations. Similarly, the Department should more prominently display complaint option information in its lobby.
- Perform outreach, such as through informal surveys, to identify potentially unreported complaints.
- Reach out to community organizations to connect with members of the community who may have complaints.

The City should consider whether to establish a community advisory group, ombudsman position, or city council committee as an additional resource for receiving complaints.

To better manage its operations related to issuing traffic citations, the Department should perform the following actions by March 2017:

- Implement a process to verify quarterly the accuracy and completeness of the data in its records management system.
- Develop a process to conduct a quarterly review of its traffic citation statistics and follow up with its officers as needed to ensure a consistent enforcement strategy.

To hold its officers accountable, the Department should implement a policy by September 2016 to document the patrol directives, such as citation and enforcement strategies, that it provides to officers.

To ensure that its policies are consistent with the city council's directives and that it can hold its officers accountable for them, the Department should immediately update its towing policy to reflect the March 2014 city council resolution that officers not tow for minor traffic offenses if the vehicle is legally parked, registered, and insured; that officers must receive sergeant authorization for all tows; and that the Department provide monthly tow reports to the city manager. The Department should also specify in its policy that officers must receive two trainings each year on the updated towing policy.

To address community and city management concerns about its towing of vehicles, the Department should improve its processes by performing the following by December 2016:

- Provide additional information in its monthly towing report about the reason that a vehicle was stopped and the reason the Department needed to tow the vehicle.
- Implement a process for the chief to review the monthly tow reports and follow up on any cases related to unlicensed drivers to determine if the reasons for the tows comply with the directives from city council.

To ensure that gasoline cards are used consistently and appropriately, the Department should develop a formal process by December 2016 for monitoring gasoline invoices and transactions. The Department should implement a policy that includes the following:

- A requirement for gasoline cards to be issued to patrol vehicles as a means to track gasoline usage against vehicle mileage. The requirement should also include a description of how the Department will identify the officer responsible for each gasoline card purchase, either by assigning a unique identifier to each officer or by using a vehicle assignment log.

- Procedures for obtaining explanations for any gasoline purchase that appears out of the ordinary.

To ensure that it is appropriately maintaining custody of evidence items and complying with POST recommendations, the Department should do the following:

- Conduct a comprehensive inventory to develop an accurate list of evidence and property.
- Update by September 2016 its evidence oversight policies to provide explicit direction, based on POST guidelines, to staff and management who perform evidence oversight activities.
- Perform its monthly evidence inspections per its policy.
- Develop a process by September 2016 for the chief to review compliance with the monthly inspection requirement.
- Perform annual audits that are thorough and well documented.

To ensure that it uses consistent standards to evaluate whether information found in assessments of an officer candidate's moral character could lead to conflicts of interest, the city council should establish screening criteria for the types of activities and circumstances it considers to be incompatible with the official duties of an officer, such as in the areas of an officer candidate's past drug use, amount of debt, and number of traffic citations received.

To minimize the potential for conflicts of interest, the Department should develop a written policy by September 2016 that formalizes its practice of preventing officers from being involved in cases associated with their family members.

To comply with state regulations, to better assess candidates' ability to interact effectively with the community and other officers, and to ensure consistency, the Department should by September 2016 document its interview questions, including at least one question from each of the six areas in the POST interview guidelines.

To work more effectively with community members, the Department should do the following:

- Solicit and incorporate feedback from the community and create a formal community engagement plan that is tailored to meet community needs by December 2016.

- Implement a process by September 2016 for the chief to review all promotional materials and presentations and ensure they are communicated in both English and Spanish, where appropriate, according to the direction provided by the city manager.

To provide feedback and information to the Department, the city council should consider the formation of a community advisory group.

To ensure that its policy is being implemented correctly and to prevent further inappropriate reimbursements, the City should monitor at least semiannually the implementation of its new policy on expense approvals that it adopted in February 2016.

To ensure that the Department appropriately budgets for planned expenses, the City should continue to monitor its new policy on budget development that it adopted in January 2016. Specifically, the chief should monitor the budgeted and actual expenses of the Department each month, paying close attention to any areas where those expenses vary significantly from the amount budgeted, and discuss this analysis with the city manager each quarter to identify any weaknesses in its budget process.

We conducted this audit under the authority vested in the California State Auditor by Section 8543 et seq. of the California Government Code and according to generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives specified in the Scope and Methodology section of the report. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Respectfully submitted,



ELAINE M. HOWLE, CPA
State Auditor

Date: July 14, 2016

Staff: Linus Li, CPA, CFM, Audit Principal
Vance W. Cable
Jim Adams, MPP
Michaela Kretzner, MPP
Amanda Millen, MBA

Legal Counsel: Steven Benito Russo, JD, Sr. Staff Counsel

For questions regarding the contents of this report, please contact Margarita Fernández, Chief of Public Affairs, at 916.445.0255.

Appendix

Review of Significant Variances in Expenses of the King City Police Department

We were asked to review the expenses for the past five years of the King City Police Department (Department) and to determine the reasons for any significant variances in program and staff allocations. The Department organizes its expenses into functional areas—such as police administration, support services, and patrol and field operations—and it assigns these expenses to one of several line items within the broader areas of the Department. As a result, the Department’s expense reports have similar line items in multiple areas, such as having a salary line item both in police administration and in patrol and field operations. To identify significant variances in department spending across the five-year review period of fiscal years 2010–11 through 2014–15, we combined the Department’s line items regardless of the broader department area and grouped the line items into 10 expense categories, as shown in the text box. We reviewed the total expenses of each category and looked for significant year-to-year variances—which we considered to be changes from one year to the next—that were greater than 20 percent and \$25,000, as well as variances for which the ratio of the standard deviation to the average for the five-year period was greater than 40 percent. We determined that six categories had little or no variance from year to year, and four categories—recruitment and training, radios and communication, animal control, and internal affairs investigations—had significant variances in departmental expenses. Department or city staff were able to provide reasonable explanations and supporting documentation for each of the significant variances. We present the expenses of these four categories in Figure A on the following page along with the justifications department and city staff provided.

Expense Categories

- Salaries and benefits
- Recruitment and training
- Internal affairs investigations
- General law enforcement expenses
- Vehicles and vehicle maintenance
- Animal control
- 911 dispatch services
- Radios and communication
- Office supplies
- Operating expenses and equipment

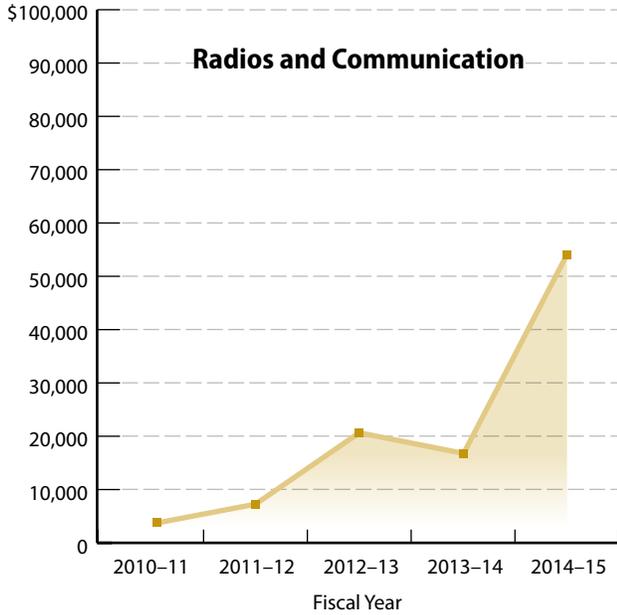
Source: California State Auditor’s review of department expenses and interviews with department and city staff.

Figure A

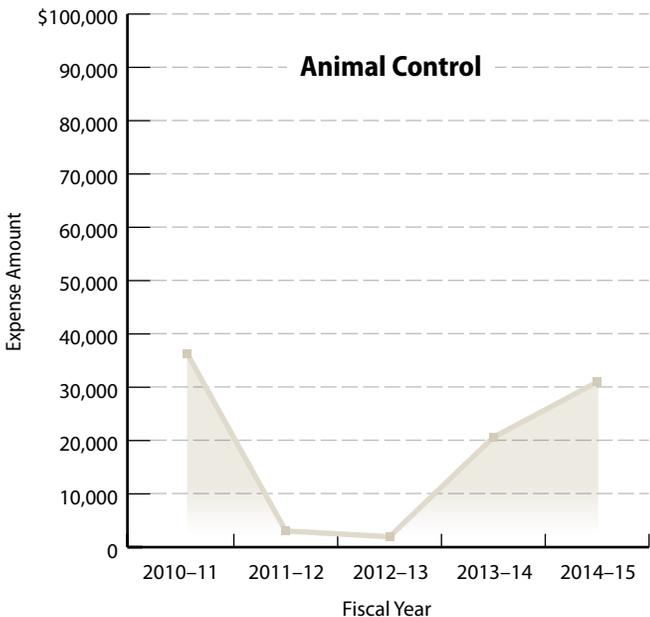
Four Categories of Spending From the King City Police Department With Significant Variances During Fiscal Years 2010–11 Through 2014–15



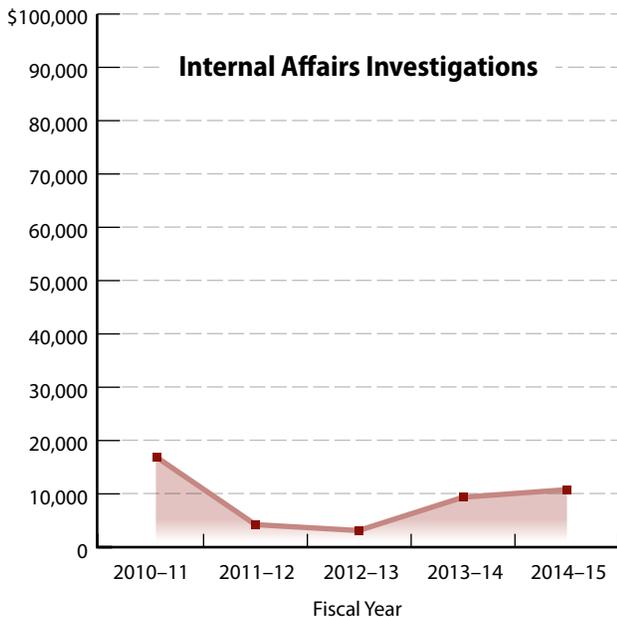
In fiscal year 2014–15, the King City Police Department (Department) significantly increased its spending on recruitment and training because of police officer and police chief recruitment efforts and the associated candidate screening costs following the February 2014 arrests of six of the Department’s police officers.



In fiscal year 2014–15, the Department significantly increased spending on radios and communication because of fees related to an agreement in which the Department, in conjunction with all other law enforcement agencies in Monterey County, upgraded its police radios to comply with a new federal law governing the types of radios that law enforcement agencies are required to use.



According to the finance director, spending on animal control declined in fiscal year 2011–12 when, as part of efforts to control its budget, King City (City) stopped funding its animal control position. He explained the City resumed funding the position in fiscal year 2013–14 in response to community demand.



According to the commander, the Department’s spending on internal affairs investigations was high in fiscal year 2010–11 because the Department contracted with outside investigators to conduct four internal affairs investigations. The Department’s spending increased in fiscal years 2013–14 and 2014–15 when it commenced internal affairs investigations on the police officers arrested in February 2014.

Sources: Review by the California State Auditor of the Department’s expenses for fiscal years 2010–11 through 2014–15 and interviews with department and city staff.

July 2016



June 29, 2016

Elaine Howle*
California State Auditor
621 Capitol Mall, Suite 1200
Sacramento, CA 95814

Dear Ms. Howle:

On behalf of the City of King, thank you for the opportunity to respond to the draft report titled "King City Police Department: Strengthening Management Practices Would Help Its Efforts to Prevent Officer Misconduct and Regain the Public's Trust." It has been a very thorough process, we have appreciated the extensive communication from your staff that performed the audit, and the City is in general agreement with most of the recommendations.

As stated in the report, the audit was performed in response to the King City Police Department towing scandal that was uncovered in 2014, which resulted in the arrest of six of the Department's officers. It is impossible to overstate the seriousness to which the City has taken this issue, the damage it has caused to the community and our organization, the extent of the City's efforts to address the problems within the organization that led to this travesty, and the City's commitment to regaining the community's trust and rebuilding the Police Department in order to provide the highest quality of public safety services possible.

As a result, we appreciate the recommendations that have been provided. We believe the report is thorough and generally accurate. However, one concern we would like to express is that the summary of the report does not provide the reader with a balanced reflection of the report's findings. It appears to be limited to the recommended improvements and makes no mention that the majority of the auditors' review found appropriate policies in place or under development in almost all areas, which are being followed. ①

It also makes no mention of the extensive progress that has been made in a very short period. It is important to point out the findings of the State Audit represent one point in time. We recognize there is still much work to do, but also believe the condition of the Police Department is tremendously improved from where we were just a short time ago due to the diligent efforts of a number of very dedicated staff. We believe it is important to recognize those efforts on the record. Therefore, we have attached a summary of what we believe are the most significant accomplishments over the past year. ①

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* California State Auditor's comments begin on page 61.

It is also important to mention that the problems were first and foremost a breakdown in leadership and the culture that was allowed to develop in the organization. Since the scandal occurred, the Police Department and overall City government is under new leadership, who have made significant changes. The City has almost entirely rebuilt its Police Department. The overall objective now is to not only address past deficiencies, but to develop new programs and efforts aimed at making the community as safe as possible.

That being said, we respect and agree with the State Auditor's position that it is important to have appropriate procedures, practices and systems in place designed to best prevent this type of problem from reoccurring. That has been the focus of much of the City's efforts. Therefore, we appreciate the objective perspective and recommendations of the State Auditors, and implementation of these measures will be incorporated into the City's work plan.

The following is the City's response to the specific recommendations of the State Audit report:

Recommendation:

To provide for a more comprehensive review of complaints and ensure that the public is aware of the Department's willingness to receive complaints in an open manner, the Department should strengthen its process with the following steps by December 2016:

- *Update its complaint policy to require the chief to review all supervisor decisions related to personnel complaints.*
- *Modify its website to state explicitly its openness to accepting all complaints and inform members of the public that complaint forms may be filed at city hall, through its website, or during its community presentations. Similarly, it should more prominently display complaint option information in its lobby.*
- *Perform outreach, such as through informal surveys, to identify potentially unreported complaints.*
- *Reach out to community organizations to connect with members of the community who may have complaints.*

Response:

The City agrees to the recommendations on how complaints can be improved. However, the City would like to express disagreement with the characterization of the ^②③ Police Department's currently policy as being "haphazard" (page 4, mid paragraph). The King City Police Department Policy Manual Section 1020 specifies the manner in which personnel complaints will be handled. The policy reflects the best practice throughout the State of California (Lexipol Policy). Section 1020.2 states, "The King City Police Department takes seriously all complaints regarding the service provided the

Department and the conduct of its members. The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipality and county rules and the requirements of any collecting bargaining agreement." Personnel Section 1020.3 further states, "Personnel complaints may include any allegation of misconduct or improper job performance that if true would constitute a violation of Department policy or federal law, state or local law policy or rule. Personnel complaints may be generated internally or by the public..." Section 1020.4 states "...all complaints will be courteously accepted by any Department member and promptly given to the appropriate supervisor." The policy describes a number of situations in which complaints are received and handled. The Police Department complaint policy is in compliance with section 832.5 of the California Penal Code.

Recommendation:

The City should consider whether to establish a community advisory group, ombudsman position, or city council committee as an additional resource for receiving complaints.

Response:

The City agrees with the recommendation to establish a community advisory group. However, the City believes the group should be broader in scope. Currently, the City is developing a community task force to develop a comprehensive plan to address youth violence. As a following step to that process, it is proposed to develop an advisory group that will work to support the overall efforts of the Police Department to make the community as safe as possible. The role of the group is proposed to include providing input, ideas and feedback; serving as a liaison with the community; and helping to develop funding strategies to implement new programs and services.

④

Recommendation:

To better manage its operations related to issuing traffic citations, the Department should perform the following actions by March 2017:

- *Implement a process to verify quarterly the accuracy and completeness of the data in its records management system.*
- *Develop a process to conduct a quarterly review of its traffic citation statistics and follow-up with its officers as needed to ensure a consistent enforcement strategy.*

Response:

The City agrees with these recommendations.

Recommendation:

To hold its officers accountable, the Department should implement a policy by September 2016 to document the patrol directives, such as citation and enforcement strategies, it provides to officers.

Response:

The City agrees with this recommendation.

Recommendation:

To ensure its policies are consistent with the city council's directives and that it can hold its officers accountable for them, the Department should immediately update its towing policy to reflect the March 2014 city council resolution that officers not tow for minor traffic offenses if the vehicle is legally parked, registered, and insured; that officers must receive sergeant authorization for all tows; and that the Department provide monthly tow reports to the city manager. The Department should also specify in its policy that officers must receive training twice a year on the updated towing policy.

Response:

The City agrees with these recommendations.

Recommendation:

To address community and city management concerns about its towing of vehicles, the Department should improve its processes by performing the following by December 2016:

- *Provide additional information in its monthly towing report about the reason that a vehicle was stopped and the reason the Department needed to tow a vehicle.*
- *Implement a process for the chief to review the monthly tow reports and follow up on any cases related to unlicensed drivers to determine if the reasons for the tows comply with the directives from city council.*

Response:

The City agrees with these recommendations.

Recommendation:

To ensure that gasoline cards are used consistently and appropriately, the Department should develop a formal process by December 2016 for monitoring gasoline invoices and transactions. The Department should implement a policy that includes the following:

- *A requirement for gasoline cards to be issued to patrol vehicles as a means to track gasoline usage against vehicle mileage. The requirement should also include a description of how the Department will identify the officer responsible for each gasoline card purchase, either by assigning a unique identifier to each officer or by using a vehicle assignment log.*
- *Procedures for obtaining explanations for any gasoline purchase that appears out of the ordinary.*

Response:

The City agrees with these recommendations.

Recommendation:

To ensure that it is appropriately maintaining custody of evidence items and complies with POST recommendations, the Department should conduct the following activities:

- *Conduct a comprehensive inventory to develop an accurate list of evidence and property.*
- *Update by September 2016 its evidence oversight policies to provide explicit direction, based on POST guidelines, to staff and management who perform evidence oversight activities.*
- *Perform its monthly evidence inspections per its policy.*
- *Develop a process by September 2016 for the chief to review compliance with the monthly inspection requirement.*
- *Perform annual audits that are thorough and well documented.*

Response:

The City agrees with these recommendations.

Recommendation:

To ensure that it uses consistent standards to evaluate whether information found in assessment of an officer candidate's moral character could lead to conflicts of interest, the city council should establish screening criteria for the types of activities it considers to be incompatible with the official duties of an officer, such as in the areas of drug use, financial liabilities, and traffic citations.

Response:

⑤ The City agrees with the recommendation that the Department use consistent standards to evaluate an officer candidate. However, the City disagrees that the "city council should establish screening criteria..." California Government Code Section 1031, and as further defined in the POST Commission Regulations 1950 through 1955, is comprehensive in establishing the requirements for police officers. The department currently evaluates all candidates per the aforementioned POST criteria.

Recommendation:

To minimize the potential for conflicts of interest, the Department should develop a written policy by September 2016 that formalizes its practice of preventing officers from being involved in cases associated with their family members.

Response:

The City agrees with this recommendation.

Recommendation:

To comply with state regulations, better assess candidates' ability to interact effectively with the community and other officers, and ensure consistency, the Department should document its interview questions, including at least one question from each of the six areas in the POST interview guidelines, by September 2016.

The City agrees with this recommendation, which is currently being implemented by the Department.

Recommendation:

To more effectively work with its community members, the Department should do the following:

- *Solicit and incorporate feedback from the community and create a formal community engagement plan that is tailored to meet community needs by December 2016.*
- *Implement a process by September 2016 for the chief to review all promotional materials and presentations and ensure they are communicated in English and Spanish, where appropriate, according to the direction provided by the city manager.*

Response:

The City agrees with these recommendations.

Recommendation:

To provide feedback and information to the Department, the city council should consider the formation of a community advisory group.

Response:

The City agrees with this recommendation.

Recommendation:

To ensure that its policy is being implemented correctly and to prevent further inappropriate reimbursements, the City should monitor at least semiannually the implementation of its new policy on expense approvals that it adopted in February 2016.

Response:

The City agrees with this recommendation.

Recommendation:

To ensure that the Department appropriately budgets for planned expenses, the City should continue to monitor its new policy on budget development that it adopted in January 2016. Specifically, the chief should monitor the budgeted and actual expenses of the Department each month, paying close attention to any areas where those expenses vary significantly from the amount budgeted, and discuss this analysis with the city manager each quarter to identify any weaknesses in its budget process.

Response:

The City agrees with this recommendation.

- ⑥ With regard to the overall timelines set forth in the recommendations, no evaluation of how those timelines were determined is provided in the report. While the City remains committed to continuing progress and implementation as quickly as possible, it is important to note that the City's new Police Chief will begin employment on July 6, 2016. It will be important to provide the new Chief an appropriate period of orientation and time to establish working relationships with both the staff of the Department and the community. Furthermore, it will be important for the new Chief to develop a realistic work plan to accomplish these recommendations, balanced with other Department goals established, resource constraints, and ongoing needs focused on improving overall public safety. As a result, the City is unable at this time to commit to specific target dates identified within the recommendations.

The City thanks you and your staff for the constructive approach taken in conducting this analysis. We appreciate the commitment you share with us to serve the public and to utilize public resources in the most ethical and effective manner possible. The City accepts the recommendations of this report and will move forward to work on implementation.

Sincerely,



Steven Adams
City Manager

attachment

cc. City Council, City Attorney, Chief of Police

LIST OF KING CITY POLICE DEPARTMENT IMPROVEMENTS

1. Every person who was arrested or suspected in the corruption case from February 25, 2014 has been removed from the Police Department and City employment. **Only four sworn personnel remain who worked for the Police Department prior to February 25, 2014. These four members have been thoroughly vetted.**
2. The process of staffing the Police Department has been slow and deliberate. Standards for hiring have been raised to the point where only 1/3rd of applicants put into background actually pass background and get hired.
3. The Police Department was able to return to protecting the community 24/7 sooner than expected, saving a significant amount of money due to the high cost of the Sheriff's Office contract for evening patrol.
4. The Lexipol policy manual has been completely updated. All personnel are required to confirm all new or updated policies have been read and understood.
5. As of January 1st, 2016 all sworn personnel were required to wear body cams. All enforcement contacts are to be recorded.
6. A new policy has been implemented that prohibits any member of the Police Department or their immediate family from coming into possession of any vehicle towed/impounded by the Police Department. This prohibition extends to any means of coming into possession of the vehicle, including through a lien sale auction. All impounded vehicles must receive supervisor approval before being towed. Unless the driver is a repeat violator, every effort is made to find a licensed driver to take possession of the vehicle. The Police Chief reviews circumstances surrounding all towed vehicles. A tow report is included in city council agenda packets on a monthly basis detailing all vehicles towed during the period between council meetings. All personnel can now issue a release for an impounded vehicle 24/7, accepting check or money order, so people don't have to wait until the front office is open to get release, thereby not incurring additional storage fees.
7. The Police Department is now monitored 24/7 by surveillance cameras that record any motion. Areas recorded include inside and outside of evidence room and evidence handling room, the entire jail facility, records, front lobby, perimeter of building, every hallway, and armory.
8. The locks were changed on entire police building. Locks are now combination coded so the code can be changed frequently.
9. The evidence room and armory now have electronic locks (the evidence room has a double lock), activated by a key fob issued to a select few. Every time either room is accessed, in addition to being recorded, the entry registers on a computer program with the time and name of the person who entered and how long they were inside.
10. All computers and servers have been upgraded and secured.

⑦

⑧

11. All internal affairs investigations on all personnel involved in February, 2014, event have been completed and appropriate personnel action taken.
12. MOUs have been negotiated with bargaining units to significantly increase salaries of all employees to aid in recruitment and retention.
13. All in-car MDTs (Mobile Data Terminals) have been upgraded.
14. Secure wifi has been added to the Police Department.
15. POST background audits have been conducted and PD is in compliance.
16. POST training audit was conducted. Two officers were out of compliance for perishable skills. One of the officers has been on long-term modified duty. The Police Department is arranging for the other officer to receive the training. All other officers are in compliance.
17. A training manager has been assigned to maintain all training records and compliance.
18. Use of Force form was expanded to report any/all use of force. Each form submitted is reviewed by the Sergeant, Commander, and Police Chief.
19. Use of Force information is reported to the State annually.
20. Weapons and ammunition are audited monthly.
- ⑨ 21. The evidence room is audited annually, which was last completed in December for 2015.
22. An additional tow company was added to rotation list. All tows are requested via radio, no exceptions per policy, and rotation is used.
23. The press release format has been standardized and all media outlets are given the police chief's cell phone number, as well as the Commander's.
24. All overflow records are now behind a locked cage area, preventing unauthorized access.
25. Vehicles are inspected monthly for safety and cleanliness.
26. New file cabinets have been installed to secure all internal affair, background, and training files.
27. Two new 2016 Ford Interceptor patrol vehicles have been added to the fleet. New graphics were used on the vehicles as an ongoing "rebranding" of the Police Department.
28. All members of the Police Department participated in developing a new motto for the Police Department: "Proud to Protect....an Honor to Serve" Graphics have been ordered to put the motto on patrol cars and police building. Motto added to letterhead and business cards. Motto will be part of the "branding" of the Police Department.

29. Furniture and appearance of the Police Department facility has been improved to communicate pride and professionalism.
30. New secure, dedicated computer and server installed for retention of body cam and Taser cam video.
31. The City has received new Tasers with cameras to be deployed as soon as training is completed.
32. The Police Department has contracted with Lexipol to provide Daily Briefing Trainings. These trainings test all personnel in their knowledge of the policy manual. In addition, all personnel are notified when a new policy has been added or an existing policy updated. They must acknowledge reading and understanding the policy. Command staff can monitor officer activity to ensure compliance.
33. Handheld radios have been updated for better reception.
34. The hiring process has been streamlined to get eligible applicants into background sooner. The Police Chief and Commander visit police academies to recruit new personnel. Applicants are interviewed within days of submitting an application.
35. A full-time police detective position has been funded, along with a new T1 Line for the Police Department.
36. A new Interim Police Captain (a retired police chief) was hired to take over administrative tasks to assist the Commander and Chief in mentoring new personnel.
37. An Interim, part-time, Police Detective has been hired to investigate a number of cold case and current homicides. This Interim is a retired Monterey District Attorney Homicide Investigator.
38. The Police Detective and Police Commander have been provided with take-home cars and equipment to immediately respond to critical incidents, such as murders.
39. Several community outreach programs have been expanded/continued, including: Coffee with a Cop, Town Watch, 4C4P, and the Police Department has joined the Chamber of Commerce and Rotary.
40. A King City Police Facebook page has been developed.
41. The City website has been updated and police applicants can now apply on-line.
42. Code Enforcement complaints are now tracked and progress in solving monitored.
43. The Police Department participated in the "Officer of the Year" awards sponsored through the Monterey County Peace Officers' Association.
44. The Police Department obtained access codes and remotes for all gate guarded properties in the city.

45. A new city-wide Surveillance Camera Registry has been implemented. Homeowners and businesses are encouraged to register their surveillance cameras to aid in criminal investigations.
46. The Police Department purchased a new system to read cell phone data to aid in homicide/serious felony investigations.
47. The Police Department is partnering with several allied agencies to reduce violent crime in the city, including other South County police departments, CHP, Sheriff, Parole, Probation, and FBI.
48. The Interim Chief is holding department-wide meetings to reinforce ethics, policy, information sharing, etc.
49. The Police Department has recently upgraded their body worn camera system to retain and retrieve data more efficiently.

Comments

CALIFORNIA STATE AUDITOR'S COMMENTS ON THE RESPONSE FROM KING CITY

To provide clarity and perspective, we are commenting on the response to our audit from King City (City). The numbers below correspond to the numbers we have placed in the margin of the City's response.

We disagree with the City's assertion that the Summary does not provide the reader with a balanced reflection of our findings. The Summary provides information that supports the overall conclusions of the report and presents our findings in a fair and objective manner. Specifically, we state on page 1 that the King City Police Department's (Department) officer investigation and discipline processes comply with legal requirements, but that it should strengthen its current processes for receiving and addressing personnel complaints. On page 2, we contrast our finding that the Department could not demonstrate that it performed regular reviews of the types of citations its officers issue with the interim chief's assertion that he reviewed citation data in the past to help him direct officers on enforcement strategy. We also indicate on page 2 that the Department has been producing towing reports—a directive from the city council—but we believe that these reports could be improved by including additional information that would provide the city council and the community with a more complete understanding about the circumstances of the tows.

Furthermore, the City mischaracterizes our audit results by indicating that we found appropriate policies in place or under development in almost all areas. As we state on page 1, although the Department has policies, procedures, and practices in place to help guide its operations, we conclude that the Department needs to improve its management processes to prevent officer misconduct and noncompliance with policies and to gain greater community confidence in its operations.

The City is incorrect in stating that we characterize the Department's current complaint policy as being haphazard. We state on page 2 that without a standardized process for responding to verbal complaints—allowing supervisors to make unilateral decisions on the merits of the complaint—the Department could review complaints haphazardly or potentially mishandle issues altogether.

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- ③ While preparing our draft report for publication, some page numbers shifted. Therefore, the page number the City cites in its response does not correspond to the page number in our final report.
- ④ We agree that a community advisory group could be established to provide broader functions beyond serving as an additional resource for receiving complaints. In fact, on page 36 we point out that the Department could benefit from a community advisory group that could be used to discuss and communicate to the Department the community's concerns about law enforcement, and we recommend on page 46 that the City consider the formation of such a group. We also acknowledge on page 36 the City's consideration of forming a community task force to develop a comprehensive plan to address youth violence.
- ⑤ The City's response disagrees with our recommendation on page 45 for establishing screening criteria for the types of activities and circumstances it considers to be incompatible with the official duties of an officer, such as in the areas of an officer candidate's past drug use, amount of debt, and traffic citations received. Although the City references state law that requires each peace officer to meet specific minimum standards, including certain citizenship, age, fingerprinting, moral character, and education requirements, it is not precluded from establishing selection criteria that are more stringent than these standards. Likewise, the City references regulations established by the Commission on Peace Officer Standards and Training (POST) that outline peace officer selection requirements, reading and writing ability assessments, oral interviews, background investigations, medical evaluations, and psychological evaluations, yet the City is not prohibited from establishing screening criteria that are more stringent than those required by POST's regulations. Moreover, neither the statutory requirement nor the regulatory requirement stipulate screening criteria to help agencies determine whether an officer candidate is of good moral character or whether their past behavior indicates unsuitability to perform the duties of a peace officer. We describe an example on page 32 where we found another police department had established criteria that disqualified candidates who had used drugs in the preceding five years—criteria not included in either the statutory or regulatory requirements. Moreover, as the elected representatives of the City, we believe the city council is the ideal decision making body to impartially identify the screening criteria for individuals seeking to be selected to police the community. Accordingly, we stand by our recommendation.

In developing the time frames included in our recommendations, we considered the level of effort that would likely be involved in implementing the recommendation, the risk to the City and the Department if implementation was prolonged, the potential demands on the newly hired chief, and the availability of the interim captain to assist with implementation efforts during the chief's transition. Although we acknowledge that the new chief needs time to establish working relationships, we believe that many of the recommendations can be implemented in the short term, particularly with assistance from the interim captain.

⑥

Neither the City nor the Department provided us with this listing of improvements during our audit fieldwork. Accordingly, we cannot substantiate the validity of these claims. Further, this list includes several actions that are unrelated to the scope of our audit, such as upgrading computer and network equipment, obtaining body cameras, changing locks in the police building, and hiring a police detective.

⑦

During our audit fieldwork, we determined that the Department's policy manual had not been completely updated. Specifically, as we describe on page 27, although the Department's towing policy bans employees from purchasing vehicles that the Department has towed, the policy does not reflect the city council's directive that the Department conduct two trainings each year on proper towing procedures. Further, the policy does not include the city council's requirement that officers obtain the sergeant's approval before towing a vehicle, nor does it reference the monthly reporting to the city manager or how that report should be compiled or presented.

⑧

The City's statement is inaccurate. As stated on page 31, we determined that the Department did not perform an annual audit of the evidence room in 2015—a fact supported by the interim chief and the Department's evidence room access logs.

⑨