

**CITY OF OLYMPIA, WA**

**POLICE AUDITOR**

**2023 MID-YEAR REPORT**

Tara L. Parker, Police Auditor, October 9, 2023

---

**Table of Contents**

I. Executive Summary..... 1

II. Police Auditor Role and Responsibilities ..... 1

III. Police Auditor Methodology..... 4

IV. Policies Regarding Complaints..... 5

V. Uses of Force January 1 – June 30, 2023 ..... 9

    A. Use of Force Incidents January-June, 2023..... 10

    B. Analyses of Key Trends and Patterns..... 11

        The Vast Majority of Instances Necessitating Uses of Force Involved Individuals in Crisis ..... 11

        The Adoption of Body Worn Cameras Enhances Transparency ..... 11

        The Department is Receptive to Scrutiny and Recommendations for Improvement ..... 12

VI. Misconduct Complaints and Investigations..... 12

VII. Conclusion..... 14

## **I. Executive Summary**

Between January 1 and June 30, 2023, the Police Auditor reviewed 19 incidents involving uses of force by members of the Olympia Police Department (OPD). All of those matters were audited and found to be thorough, objective, free of bias, and consistent with OPD policies. There was a 37% decrease in uses of force compared to the first six months of 2022.

The Police Auditor also reviewed 8 completed investigation files regarding allegations of misconduct by OPD employees. The investigations were found to be thorough, objective, free of bias, and consistent with OPD policies.

Finally, the Police Auditor recommended training focused on de-escalation with adolescents, and changes to the Department's policies regarding body worn camera (BWC) activation, Standards of Conduct, and its categorization of misconduct complaints. The Department is in the process of adopting those recommendations.

Throughout 2023, with respect to all of the activities above, the Police Auditor examined the applicable policies and sought clarification and additional information from the Department when necessary. The Department was receptive, responsive, and fully cooperative with the Auditor at all times.

## **II. Police Auditor Role and Responsibilities**

The City of Olympia employs a Police Auditor in order to increase public trust and confidence in the Police Department by providing an independent civilian review and audit of the Police Department's uses of force and its internal investigations regarding complaints against the Olympia Police Department and its employees. The Police Auditor's duties and responsibilities include examining uses of force, complaint investigations, and public demonstration responses to determine whether there is any evidence of unlawful bias or civil rights violations, and to ensure that they are aligned with best practices.

### **Evidence of Unlawful Bias**

The Police Auditor scrutinizes every use of force and complaint investigation file, including the related body worn camera (BWC) videos. As part of that scrutiny, the Police Auditor observes whether any conduct by law enforcement suggests officers engaged in bias based on community members' race, sex, sexual orientation, disability, or other protected class. The Auditor also observes whether OPD employees' conduct is consistent with the Department's standards of professionalism and respectfulness towards all.

The following are some of the potential indications of bias or misconduct that the Police Auditor looks for:

- Failure to timely engage in procedural justice steps
- Interrupting subject
- Profanity directed at subject
- Derogatory language, slurs, or offensive terminology
- Argumentative vs. de-escalating language
- Aggressive/intimidating tone of voice outside of giving necessary commands
- Aggressive body language in the absence of threats or resistance

### **Best Practices**

“Best Practices” is a term of art, which, in the context of police oversight refers to a set of guidelines, methods, and procedures that are considered the most effective and ethical approaches for ensuring transparency, accountability, fairness, and community trust in the policing process. With respect to use of force review, this includes determining whether the Department complies with all policies and applicable laws, as well continually monitoring trends and identifying areas for improvement. Best practices in law enforcement are continually evolving as societal expectations and challenges change.

The Police Auditor examines multiple resources regarding police reform, civil rights, anti-discrimination and impartial investigation practices to discern the practices that best align with the City of Olympia’s values and expectations. Accordingly, the values of the City of Olympia set the standards and expectations of its Police Auditor. The City of Olympia’s values and expectations of its police department are defined by community members, the City Council, and the Social Justice and Equity Commission. Those values are also reflected In the OPD’s General Orders:

“The Olympia Police Department is ethically centered and guided by the fundamental core values of integrity and respect. We are accountable to ourselves and our citizens as we strive to create a community that is safe and welcoming for all.”

The full scope of the Police Auditor’s duties and responsibilities are as follows:

### **The Civilian Police Auditor will be responsible for the following:**

1. Review of police professional standards investigations relating to complaints about the Police Department or its employees to determine if the investigations meet Department standards and are complete, thorough, objective, and fair.

2. Review of all uses of force, complaints, and internal investigations as defined in Olympia Police Department General Orders to determine if they are consistent with Police Department policies, without indication of unlawful bias, protect civil rights, and are in alignment with best practices.
3. Provide an impartial review of the Police Department's internal investigative process and verification of the Department's compliance with established policy and procedures.
4. Provide an impartial review of the Department's responses to public demonstrations and crowd management when events result in physical injury, extensive property damage, or is determined by the City Manager to be appropriate for review by the Police Auditor to determine if the response was in alignment with the Police Department's applicable General Orders and Guiding Principles for Demonstrations and Crowd Management.
5. Review and recommend revisions to Police Department policies, procedures, and training related to complaints, use of force, and the internal investigative process based on audit findings. Revisions will be in alignment with best practices regarding diversity, equity, and inclusion, while ensuring public safety and protection of First Amendment and other constitutional rights.
6. Filing a mid-year and annual written report to the City Council, with a copy to the City Manager and Police Chief. The Auditor's report shall not contain the names of employees, complainants, or witnesses; and will include:

**Use of Force Files**

- Summary of use of force statistics, including but not limited to:
- Types of use of force used
- Subject Demographics
- Indications of bias
- Whether the use of force led to serious injury

**Misconduct Complaints and Internal Investigations**

- A finding on each complaint and internal investigation audited indicating either:
- That the Department's internal investigation met the Department's standards and established investigative best practices; or
- After response to a request for further investigation, the case failed to meet the above standards, and reasons supporting such finding.
- A summary of the complaints and internal investigations audited, including:
  - Date complaint received
  - Classification
  - General Description
  - Investigative Findings
  - Corrective Actions
  - Police Auditor Findings

- When additional complaint investigations were requested and OPD's Responses
- Findings on each complaint case audited

**Additional Information**

- Summaries of data in graphic and narrative form
- Analysis of key trends and patterns
- Recommendations for revisions to policy, procedures, and training
- A list of the updated policies, procedures and trainings related to the Police Auditor Scope of Work

7. The Police Auditor will present the mid-year and annual reports at a City Council meeting.

**III. Police Auditor Methodology**

The Police Auditor receives weekly reports from the Office of Professional Standards (OPS). Each report contains the completed Use of Force files, which must include the following information per RCW 10.118.030(2):

- The date and time of the incident;
- The location of the incident;
- The agency or agencies employing the law enforcement officers;
- The type of force used by the law enforcement officer;
- The type of injury to the person against whom force was used, if any;
- The type of injury to the law enforcement officer, if any;
- Whether the person against whom force was used was armed or unarmed;
- Whether the person against whom force was used was believed to be armed;
- The type of weapon the person against whom force was used was armed with, if any;
- The age, gender, race, and ethnicity of the person against whom force was used, if known;
- The tribal affiliation of the person against whom force was used, if applicable and known;
- Whether the person against whom force was used exhibited any signs associated with a potential mental health condition or use of a controlled substance or alcohol based on the observation of the law enforcement officer;
- The name, age, gender, race, and ethnicity of the law enforcement officer, if known;
- The law enforcement officer's years of service;
- The reason for the initial contact between the person against whom force was used and the law enforcement officer;
- Whether any minors were present at the scene of the incident, if known;
- The entity conducting the independent investigation of the incident, if applicable;
- Whether dashboard or body worn camera footage was recorded for an incident;
- The number of officers who were present when force was used; and
- The number of suspects who were present when force was used.

**The Use of Force files must also include:**

- Arrests or charges
- Witness statements
- Photos
- Videos
- Associated case reports
- Other documentary evidence
- Immediate Supervisor review of reports and determinations
- Management review of reports and determinations
- Defensive Tactics Use of Force Team reviews and training points, when applicable

**Additionally, the OPS weekly reports to the Auditor contains updated information regarding all internal and external complaints regarding OPD Officers, including:**

- Complaint and Internal investigation documents
- Classifications
- Investigation details and findings
- Learning and resolutions

Finally, the weekly OPS reports include all Crowd Management Operational Plans and After-Action Reports regarding public demonstrations.

**The Police Auditor's process includes:**

- Tracking all data listed above;
- Seeking additional information when necessary;
- Consulting with the Chief of Police and the Professional Standards Lieutenant (OPS) regarding observations, policies, practices, and departmental developments;
- Examining the data for trends;
- Reviewing all files to determine
  - o Completeness
  - o Thoroughness
  - o Objectiveness
  - o Fairness
  - o Evidence of Bias
- Examining Department practices for compliance with OPD policies; and
- Noting areas that may be improved by procedural or policy changes.

#### **IV. Policies Regarding Complaints**

Complaints about members of the Olympia Police Department can be received in many ways including in-person, by telephone, by written documents, and by email. Complaints can also be

filed via the complaint form on the City's website. All complaints must be thoroughly and fairly investigated in accordance with the standards set forth in OPD Policy.

**Complaints are sorted into one of two categories:**

- **Serious Misconduct** complaints include allegations of excessive use of force and civil rights violations. Complaints in this category are assigned to the Office of Professional Standards to investigate.
- **Service Level** complaints include allegations of rudeness, poor work performance and minor policy violations. Service Level complaints are generally assigned to first line supervisors to investigate and address.

**Internal Affairs investigation reports must include the following information:**

- The date of the incident;
- The name of the employee(s) involved;
- The date the case was assigned;
- The names and contact information for the complainants or affected individuals in the complaint;
- A written report containing:
  - A concise but complete synopsis of the allegations;
  - A narrative presenting the details of the investigation, including a chronological summary of the investigation, witness interviews, etc.;
  - The findings of fact - including, by numerical listing, a summary of the findings of fact, including citation of any violations of policy and/or law involved;
  - An investigator's log showing the dates and times of contacts and other key actions related to the investigation.
- Appendices containing:
  - Transcripts of interviews with the complainant(s) and key witnesses;
  - Letters and written statements from employees, community members, and witnesses;
  - Copies of all related reports;
  - Copies of all memos or formal letters related to the investigation.
- Photographs, video tapes, audio tapes and other relevant supporting materials shall also be submitted with the final report;
- The date the final report is submitted;
- The name and signature of the assigned investigator.

At the conclusion of an investigation, the investigator will reach a finding in accordance with the Department's policies. The standard of proof for all internal investigations is by "a preponderance of the evidence." This is a lower standard than what a criminal case requires which is "proof beyond a reasonable doubt."



The OPD Policy regarding Personnel Complaints<sup>1</sup> pertains to allegations of misconduct. It provides the following definitions and categories:

**Complaint Definition** – A communication, verbal or written, conveying dissatisfaction with the performance or conduct of the Department or one or more of its members. Complaints are classified in one of the below categories:

- **Inquiry** – A matter in which there is a question regarding conduct or performance. Such inquiries generally include clarification regarding policy, procedures, or the response to specific incidents handled by the Department.
- **Personnel complaints** - include any allegation of misconduct, or improper job performance against an employee of the police department that, if true, would constitute a violation of department policy or of applicable federal, state, or local law, policy, or rule, or CJTC decertification/suspension/revocation criteria found in section 1010.16 of this policy. Personnel complaints may be generated internally or by the public.
- **Informal complaint**- A matter in which there is no expectation, from the complainant, that an investigation will occur, and the supervisor is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.
- **Formal complaint**- A matter in which a supervisor or manager determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or the Professional Standards Unit, depending on the seriousness and complexity of the investigation.
- **Wrongdoing** – (as defined in RCW 10.93.190 – Officer’s Duty to Intervene) means conduct that is contrary to law or contrary to the policies of the witnessing officer’s agency, provided that the conduct is not de minimis or technical in nature.) “Wrongdoing” – even if true - may or may not be determined to be misconduct pursuant to City of Olympia policies if such “wrongdoing” involves allegations that a City of Olympia officer violated the policy of a witnessing officer’s agency.
- **Preliminary Investigation** – A cursory fact-finding activity where the Office of Professional Standards investigator or a supervisor seeks to determine if sufficient information exists before deciding whether or not an investigation is feasible or warranted.

### **Complaint Dispositions**

Each complaint shall be classified with one of the following dispositions:

- **No Finding** – When the investigation shows one of the two following conditions to be present:

---

<sup>1</sup> The full policy can be found at <https://public.powerdms.com/OlympiaPD/tree/documents/1662358> .

- The complainant failed/declined to disclose information to further the investigation.
- The allegations relate exclusively to another agency, and the complaint and/or the complainant has been referred to that agency.
- **Unfounded** - When the investigation shows that the alleged behavior did not occur or was patently false.
- **Exonerated** - When the investigation shows the alleged behavior occurred, but also shows such acts to be justified, lawful, and proper.
- **Not sustained** - When the investigation fails to disclose sufficient facts to prove or disprove that the alleged behavior occurred.
- **Sustained** - When the investigation discloses sufficient facts to prove the alleged behavior occurred.
- **Resolved** – Resolved may be used as a disposition for inquiries and informal complaints only.
- **Without Merit** – The Professional Standards Lieutenant, with approval of the Chief or Police or designee, may close an investigation if one of the following conditions are demonstrated:
  - Positive proof (photos, video, audio tape, etc.) clearly establishes that the allegation is untrue; or
  - The facts indicate that the allegation is clearly inconsequential or frivolous and no tangible harm can be reasonably associated with the behavior; or
  - The facts indicate that the allegation was made maliciously and with wanton disregard for the truth; or
  - The complaint does not involve the Olympia Police Department or its employees.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall recommend appropriate action with regard to any additional allegations.

All investigations and findings are reviewed by the Professional Standards Lieutenant, the Chief of Police, and the Police Auditor. All Service Level complaint investigations must be completed within sixty (60) days from the date the case is received by the Department. All investigations into allegations of Serious Misconduct must be completed within ninety (90) days from the date the case is received by the Department, unless extended by the Professional Standards Lieutenant with the approval of the Chief of Police.

Any sustained complaint is referred to the employee's supervisor or manager for corrective action. The determination of corrective action is based on the severity and repetitiveness of the violation.

**Corrective actions include the following:**

- Counseling and coaching
- Oral warning
- Written warning
- Performance improvement plan
- Suspension without pay
- Reduction in pay or rank
- Last chance agreement
- Termination

OPS is responsible for managing the formal accountability system. OPS is managed by the Chief of Police. All records are tracked, stored, and maintained in the Department Records Management System (RMS). OPS provides all information regarding external and internal complaints about OPD employees to the Police Auditor on a weekly basis. The Police Auditor also has independent access to the RMS database.

#### **V. Uses of Force January 1 – June 30, 2023**

The OPD Use of Force Policy contains many provisions and definitions that specify when and how officers may use physical force, particular law enforcement tools that may be used to compel people to cooperate, as well as detailed requirements regarding how uses of force must be reported. OPD policies reflect and comply with applicable Washington State law as codified in the Revised Code of Washington (RCW), as well as standards set by state and federal law.<sup>2</sup>

The Auditor is responsible for examining the records for compliance with all aspects of the Use of Force Policy. The policy provisions that are most pertinent for this purpose are as follows:

**The term “force” in this context refers to physical force:**

Any act reasonably likely to cause physical pain or injury or any other act exerted upon a person's body to compel, control, constrain, or restrain the person's movement. Physical force does not include pat-downs, incidental touching, verbal commands, or compliant handcuffing where there is no physical pain or injury (RCW 10.120.010).

Law enforcement officers must “use the least amount of physical force necessary to overcome resistance under the circumstances.” (RCW 10.120.020(3)(b)).

**Force is only allowed when it is necessary. Necessary force is defined as follows:**

Under the totality of the circumstances, a reasonably effective alternative to the use of physical force or deadly force does not appear to exist, and the type and amount of physical force or deadly force used is a reasonable and proportional response to affect the legal purpose

---

<sup>2</sup> The full policy may be found at <https://public.powerdms.com/OlympiaPD/tree/documents/1661374>.

intended or to protect against the threat posed to the officer or others (RCW 10.120.010).

**Prior to using force, when safe and feasible, officers are required to do the following:**

- Identify themselves as law enforcement officers.
- Determine whether the person has a special need, mental condition, physical limitation, developmental disability, language barrier, or other factor that may impact their ability to understand and comply with officer commands.
- Provide clear instructions and warnings.
- Warn a person that physical force will be used unless their resistance ceases.
- Give the person a reasonable opportunity to comply with any warning.

**A. Use of Force Incidents January-June, 2023**

In the first six months of 2023, OPD officers reported uses of force in 19 incidents. Each of the use of force incidents was subject to internal, multi-level review and the Department determined that the officers' actions were within policy.

The Police Auditor reviewed the files of every incident involving the use of force and examined the records to ensure the reports from officers and management were complete, thorough, objective, fair, and without bias. The Auditor also examined whether each use of force met Department standards regarding de-escalation efforts and whether the force used was lawful. The Auditor found that all use of force files in January through June 2023 demonstrated that the Department and its employees' actions were within policy.

**Additional key data regarding the 19 use of force files is as follows:**

Types of Force Used<sup>3</sup>

- 16 involved "Takedowns" by means of defensive tactics such as pain compliance techniques, control holds, and physical restraint.
- 3 incidents involved the deployment of Conductive Energy Weapons (CEW or CED Taser probes).
- 2 incidents involved kinetic impact rounds from less lethal shotguns.
- 1 incident involved pepper spray.
- 1 incident involved an officer pointing their handgun.
- 1 incident involved a K9.

---

<sup>3</sup> There are 24 Types of Force noted in this Report, rather than 19, because, in several instances more than one type of force was used. The types of force are defined and described in more detail in the OPD Policy: <https://public.powerdms.com/OlympiaPD/tree/documents/1661374>.

Subject Demographics<sup>4</sup>

- 12 incidents involved white male subjects.
- 1 incident involved a white female subject.
- 1 incident involved a Black male subject.
- 2 incidents involved Black female subjects.
- 1 incident involved an Asian male subject.
- 2 incidents involved a single Indigenous male subject.

Additional Key Data

- There was a 37% decrease in the rate of officers' uses of force between the first six months of 2022 (19) compared to the first six months of 2023 (30). The Police Auditor and the Department are continuing to examine this trend and others in an effort to determine factors that may have contributed to this positive development.
- None of the incidents led to serious injuries.
- 15 (79%) of the incidents involved subjects who appeared to be severely mentally ill and/or impaired by alcohol or drugs and did not respond to de-escalation efforts.

**B. Analyses of Key Trends and Patterns**

The Vast Majority of Instances Necessitating Uses of Force Involved Individuals in Crisis

The vast majority (79%) of incidents where officers used force to subdue and arrest individuals involved subjects who were suffering from mental illness and/or severely impaired by drugs or alcohol. The records show that those individuals did not respond to officers' de-escalation efforts, nor did they comply with orders to cease conduct that posed serious dangers to themselves and others. The records of these encounters show that the OPD called for Crisis Response Unit (CRU) assistance and that the officers refrained from intervening until multiple officers and CRU professionals arrived, except when there was an active threat of injury to a subject or others.

The Adoption of Body Worn Cameras Enhances Transparency

The Department has greatly enhanced its transparency and accountability through the adoption of body worn cameras (BWC) since November 2022. Officers must activate their BWCs during all law enforcement functions, unless it would jeopardize their safety. To the extent feasible, officers must inform all persons whom they encounter that an audio and

---

<sup>4</sup> The current OPD RMS enables officers to enter limited demographic information. The Department is currently looking into acquiring a new RMS that allows officers to collect additional information.

video recording is being made. BWC video must be uploaded in the Department video storage system and documented in related reports.

The OPS and the Auditor review all BWC video related to use of force reports and misconduct investigations. This equipment enhances the Department's reporting, transparency, accountability, opportunities to learn, and capacity to capture criminal acts and information relevant to prosecutions. Department supervisors and the Police Auditor are able to see and analyze officer conduct, the conduct of others, uses of force, and surrounding circumstances in great detail. Furthermore, the Auditor is able to observe officers' interactions with each other and members of the community in order to discern broadly whether officers are performing their duties without bias and in ways that protect civil rights and meet best practices.

#### The Department is Receptive to Scrutiny and Recommendations for Improvement

Throughout the year, the Auditor has met with Department leadership to discuss observations and recommendations, which are detailed in the Recommendation section of this Report. The Police Auditor has found the Department to be very responsive, cooperative, and welcoming of the Auditor's inquiries, feedback and recommendations.

## **VI. Misconduct Complaints and Investigations**

The Office of Professional Standards conducted eight investigations into potential misconduct by OPD employees in the first six months of 2023. All of the complaint investigations were audited and determined to have met Department standards. The January through June 2023 complaint investigation records are summarized below.

**January – June 2023 Complaint Investigation Details**

Record Number/ Date Filed	Classification	General Description	Investigative Findings	Corrective Actions	Police Auditor Findings
1095 1/30/2023	Service	Child Protective Services inquired about enforcement of court order and City Prosecutor confirmed agency position.	Resolved	N/A	Met Department standards.
1096 1/30/2023	Serious	Complaint alleging excessive use of force was contradicted by BWC video.	Without merit	N/A	Met Department standards.
1098 and 1099 3/30/2023	Service	Complaints that the Department posted improper information on social media to identify a missing person were confirmed and immediately rectified. OPD implemented processes to ensure such errors would not reoccur and complainants were satisfied.	Resolved	N/A	Met Department standards.
1100 3/28/2023	Service	Officer closed call after attempts to contact complainant were automatically blocked by complainant's cell phone. Department determined officer should have made additional efforts to contact complainant.	Sustained	Documented oral warning	Met Department standards.
1101 6/6/2023	Serious	Complainant's allegations did not involve any OPD or city staff.	Resolved	N/A	Met Department standards.

1102 6/6/2023	Service	Complaint did not involve OPD and Department provided contact information for appropriate law enforcement agencies.	Resolved	N/A	Met Department standards.
1103 6/6/2023	Service	Complaint re Department not providing polygraph services. Department provided information about alternative resources.	Resolved	N/A	Met Department standards.

**VII. Recommendations**

Throughout 2023, the Police Auditor communicated with the Department regarding areas that could be improved in order to enhance the transparency, accountability and efficacy of the Department. These matters have resulted in the following recommendations.<sup>5</sup>

**1. Youth De-escalation Training**

Multiple use of force incidents in 2023 have involved subjects who were adolescents. All of the uses of force were within policy. Nonetheless, the Police Auditor observed some officers’ communications with adolescents were more effective than others. Many law enforcement experts recognize the importance of specialized training in de-escalation techniques when interacting with juveniles due to the unique vulnerabilities and developmental capacities of young people who are in the process of growing intellectually and emotionally.

The Auditor inquired whether the Department engaged in training that is focused specifically on youth de-escalation and learned that the primary source of OPD trainings, the Washington Criminal Justice Training Commission (WCJTC), does not offer that specific training. The Department agreed that such training is desirable.

The Auditor identified several potential resources for obtaining such training, including experts affiliated with the WCJTC, state agencies that serve youths in crisis, universities, and community centers. All of these resources employ individuals with expertise in culturally-sensitive and developmentally-appropriate communication and de-escalation techniques with young people.

---

<sup>5</sup> The Police Auditor acknowledges that any and all recommendations may be subject to bargaining between the City of Olympia and the Olympia Police Guild.



The Department is currently exploring these resources to identify one or more options for OPD training.

## **2. Body-Worn Camera Audio Deactivation**

In the course of reviewing use of force incident files, the Police Auditor observed officers deactivating the audio of their BWCs during periods in which the officers were not engaging with any members of the public. Each of these incidents involved periods before or after uses of force and arrests, in which officers appeared to be communicating with one another. Officers noted these periods of audio deactivation in their reports, referencing OPD Policy 422.3.2, which allows officers to do so “when exchanging information with other members or when engaging in an operational or tactical discussion with other members.”

The Police Auditor determined that these periods of muting infringed on the Auditor’s ability to thoroughly observe officers’ characterizations of events to one another, which is critical to understanding the totality of the circumstances. Additionally, even if the officers on mute were not discussing anything related to the use of force and arrest circumstances, a reviewer’s inability to discern that to be the case may create the appearance that material information is being withheld. Furthermore, the exclusion of any information is contrary to the goals of transparency and accountability that underlie the use of BWC and employment of a Police Auditor.

Upon inquiry, the Police Auditor made the following findings:

- Any information captured by BWC that could compromise the safety or privacy rights of officers or community members would be subject to redaction under Washington’s Public Disclosure laws.
- Deactivating audio recordings may hinder the transparency and accountability that BWC use aims to achieve.
- Deactivating audio recording may allow abuse or misconduct, or create the appearance of abuse or misconduct, particularly because it makes it difficult to verify what was stated when audio was deactivated.
- Allowing officers to deactivate BWC audio may erode public trust if it is perceived as a way for officers to hide information.
- The circumstances surrounding arrests are often dynamic and unpredictable, so an officer’s BWC may capture material information at any moment and they should not risk failing to do so; accordingly, it is best practices to keep BWC fully activated throughout the entirety of the law enforcement events.
- Several authorities and organizations focused on law enforcement accountability recommend that BWC policies do not give officers discretion to deactivate their equipment for all of the reasons above. These authorities include the International Association of

Police Chiefs, U.S. Department of Justice, the American Civil Liberties Union, the Police Executive Research Forum, and Campaign Zero.

- Regional standards for BWC policies indicate that officers should not be allowed discretion to deactivate audio, as the analogous policies for the Pierce County Sheriff's Department, King County Sheriff's Department and Seattle Police Department do not include any such provision.

The Auditor recommends that the OPD BWC policy be revised to eliminate Policy 422.3.2(b). Conversations with Department leadership regarding this recommendation have been productive and are continuing.

### **3. Standards of Conduct**

OPD Policy 320, Standards of Conduct, largely defines the Department's expectations of its employees. The OPD General Order regarding employment clearly states that OPD employees are prohibited, per RCW 49.60, from discriminating against any person on the basis of race, creed, color, national origin, sex, marital status, age (40+), disability, retaliation, sexual orientation/gender identity, honorably discharged veteran or military status, or use of a trained dog guide or service animal by a person with a disability. However, the prohibition against unlawful discrimination is not stated in the Standards of Conduct Policy.

The Police Auditor recommends that Policy 320 be amended to include the above language prohibiting unlawful discrimination in order to ensure that officers fully understand its import and scope, as well as the fact that discriminatory conduct may lead to discipline. The Auditor believes it is important to highlight this mandate and structure Department trainings accordingly. Conversations with the Department regarding this recommendation have been productive and the recommended amendment is in progress.

### **4. Categorization of Misconduct Complaints**

The OPD has historically categorized personnel complaints into two categories: "service level" and "serious." These categories have functioned to determine who was initially tasked with investigating the matters, with service-level complaints being assigned to first line supervisors and serious complaints assigned to the Office of Professional Standards (OPS).

The Auditor has observed that, in practice, this form of categorization does not consistently represent how complaint investigations are assigned and it may erroneously lead some people to believe that some complaints are not considered "serious." The Police Auditor has found that the Department considers all complaints to be serious, and every complaint is subjected to thorough review by the OPS and the Auditor.

Conversations between the Police Auditor and Department leadership has led to the agreement that the current complaint categorization terminology is outdated and should be replaced. The Auditor recommends that policy be revised to adopt neutral and appropriate language that accurately reflects the Department's processes and such revisions are in process.

## **VIII. Conclusion**

The Department's uses of force and investigations of complaints between January and June of 2023 all met Department standards, were free of bias, and complied with best practices as defined by the City of Olympia's values and applicable authorities. Furthermore, the Department has consistently demonstrated a commitment to transparency through its use of BWCs and cooperation with the Police Auditor.

Additionally, the Police Auditor recommends training for de-escalation with adolescents and revisions to policies regarding BWC, standards of conduct, and the categorization of misconduct complaints. The Department has been very receptive to the Auditor's recommendations and is in the process of implementing them.

In closing, it is an honor and a privilege to serve as the City of Olympia's Police Auditor. It is always a pleasure to work with the City Council, the City Manager, the Olympia Police Department, and the many Olympia community members who are working to make Olympia a safe, inclusive, and wonderful place to live, work and visit.