

Ordinance No. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, REPEALING OLYMPIA MUNICIPAL CODE TITLE 2, CHAPTER 2.38, POLICE AUDITOR, REPLACING THE CHAPTER WITH COUNCIL APPROVED RECOMMENDATIONS FROM THE SOCIAL JUSTICE & EQUITY COMMISSION FOR THE ROLE OF CIVILIAN POLICE AUDITOR**

**WHEREAS**, the City’s Social Justice & Equity Commission presented to the City Council recommendations for Community Oversight of Law Enforcement; and

**WHEREAS**, those recommendations include certain changes to the Civilian Police Auditor role, including consistent engagement with a new Community Policing Board; and

**WHEREAS**, changes will also include a larger role for the Civilian Police Auditor in their overall monitoring of police complaints and recommendations to the Olympia Police Department; and

**WHEREAS**, City Council has the sole authority to hire a Civilian Police Auditor as an independent contractor; and

**WHEREAS**, the current Civilian Police Auditor provisions in the municipal code should be repealed and replaced with the Social Justice & Equity Commission’s recommendations, which were reviewed and approved by City Council on July 9, 2024;

**NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:**

**Section 1. Repeal and Replace.** Chapter 2.38 of the Olympia Municipal Code, POLICE AUDITOR, is hereby repealed and shall be replaced with the following.

Chapter 2.38  
CIVILIAN POLICE AUDITOR

2.38.000 Chapter Contents

Sections:

- [2.38.010](#) Civilian Police Auditor.
- [2.38.020](#) Purpose.
- [2.38.030](#) Selection and compensation.
- [2.38.040](#) Term of service.
- [2.38.050](#) Termination of service.
- [2.38.060](#) Qualifications.
- [2.38.070](#) Duties and Responsibilities.
- [2.38.075](#) Collaboration with Community Policing Board
- [2.38.080](#) Reporting.
- [2.38.090](#) Confidentiality.
- [2.38.100](#) Independence of the Civilian Police Auditor.

### **2.38.010 Civilian Police Auditor**

The City Council may, by contract, retain the services of a Civilian Police Auditor ("Police Auditor"). The Police Auditor shall be totally independent from the Olympia Police Department ("OPD") and shall report to the City Council, serving in an advisory capacity.

### **2.38.020 Purpose**

The purpose of retaining a Police Auditor is to ensure OPD accountability and transparency.

### **2.38.030 Selection and Compensation**

The Police Auditor shall be selected by the City Council, with involvement from the Community Policing Board ("Board") during the recruitment and selection process.

The Police Auditor will be retained under a contract for the term specified in this Chapter, under conditions and for compensation determined appropriate by the City Council.

### **2.38.040 Term of Service**

The term of the Police Auditor contract shall be at least one year, and the contract may be extended for further terms as determined appropriate by the City Council.

### **2.38.050 Termination of Service**

The contract may be terminated under the conditions set forth by Council in the contract.

### **2.38.060 Qualifications**

The following experience and education are desired in a Police Auditor. Any combination of education and experience that will enable the applicant to successfully perform the duties of Police Auditor, together with those qualifications marked "required," may qualify for the position, at the discretion of City Council.

1. Experience in the following:
  - Successful leadership
  - Criminal justice, civil rights, and labor law related to public employees
  - Contemporary investigative techniques
  - Law enforcement monitoring, oversight, auditing
  - Techniques of statistical analysis that show patterns/trends
  - Analyzing systems for the purpose of recommending improvements
  - Policy and procedure creation and review
  
2. Education:
  - A law degree or relevant social science degree
  
3. Qualities, skills, abilities (REQUIRED):
  - A history of and reputation for exemplary personal and professional conduct and integrity;

- Ability to appreciate the responsibilities of police, which include but are not limited to enforcement of laws, community caretaking, protection of legal and constitutional rights;
- Ability to appreciate and understand implicit bias, racial profiling, the lived experiences and perspectives of marginalized groups, and procedural justice principles.
- Excellent written and oral communication skills with the ability to engage effectively with diverse individuals as well as small and large groups involved on all sides of law enforcement issues;
- Ability to pass a background investigation that meets the Criminal Justice Information Service (CJIS) requirements, as established by the Federal Bureau of Investigation;
- Ability to keep non-public Olympia Police Department information, files, and records confidential as required by law and policy;
- Ability to carry out the Police Auditor duties in a manner that reflects sound judgment, independence, fairness, and objectivity in an environment where controversy is common.

### **2.38.070 Duties and Responsibilities**

The Police Auditor has duties and responsibilities in the areas outlined in this section

#### **A. Alleged Misconduct Complaints**

1. The Police Auditor is empowered to receive a complaint of alleged misconduct directly submitted to them and shall expeditiously refer it to OPD with a recommendation as to how it should be handled for investigation.
2. The Police Auditor shall review all complaints received by the Office of Professional Standards to ensure all allegations appropriate to the complaint are included for investigation and/or whether the complaint is appropriate for investigation by the Office of Professional Standards, and to determine if there are other issues of immediate concern.
3. The Police Auditor shall review all investigations, once complete, to audit how they have been resolved, to ensure appropriate allegations were included for each complaint, and to identify any issues or trends related to the investigations reviewed or complaint investigation process to address through recommendations for operational, training, or policy changes.
4. In reviewing completed complaint investigations, the Police Auditor shall determine if each investigation meets the standard of being complete, thorough, fair, and timely.
5. The Police Auditor shall make a written request to the OPD Chief of Police for further investigation if the Police Auditor concludes that further work is needed for a complaint investigation to meet the established standard.

6. The Police Auditor shall regularly share with the Board an overview of misconduct complaint investigations audited, and any recommendations for operational, training, or policy changes made to OPD, so Board members can learn, ask questions, share concerns, and provide the community's perspective regarding the recommendations.

B. Use of Force

1. The Police Auditor shall audit all OPD reportable use of force incidents to determine if each use of force was consistent with applicable OPD policy and to identify any issues or trends related to use of force, which the Police Auditor may address through recommendations for operational, training, or policy changes.

2. In reviewing reportable use of force incidents, the Police Auditor shall determine if each use of force report meets the standard of being completed and reviewed by OPD in accordance with applicable OPD policy and is respectful of the civil rights of all individuals involved.

3. The Police Auditor shall regularly share with the Community Board use of force incident reports audited, and any recommendations for operational, training, or policy changes made to OPD, so Board members can learn, ask questions, share concerns, and provide the community's perspective regarding the recommendations.

C. Operational, Policy, and Training Recommendations for the Olympia Police Department

1. The Police Auditor may make recommendations for operational, training, or policy changes related to routine audit of misconduct complaint investigations, reportable uses of force, and the internal investigation process, or when the Police Auditor identifies instances when OPD does not appear to be aligned with best practices.

2. The Police Auditor may indicate which policy and training topics appear to be relevant to their auditing of complaint, use of force, and internal investigation processes, or topics of particular concern for the community, so the Police Auditor has the opportunity to review and provide comment on specific changes before they are finalized by OPD.

3. Training recommendations may also come from yearly review of OPD policy and training topics provided to the Police Auditor by OPD.

D. Community Engagement

1. The Police Auditor shall implement alternative ways to communicate about the auditing function and information concerning misconduct complaint investigations, use of force, and investigation processes that have been audited, with a goal of fostering widespread understanding of the Police Auditor's work, Olympia's police oversight system, and ways that community members can get involved.

2. The Police Auditor, in collaboration with members of the Community Board and in coordination with OPD, shall engage with the community through routine public meetings and outreach events.

### **2.38.075 Collaboration with Community Policing Board**

- A. The Police Auditor shall develop an annual work plan, to include prioritizing the specific police policies, training, and other issues of interest that the Police Auditor intends to review, which shall be reviewed by the Board for input.
- B. The Police Auditor shall meet with the Board, regularly, to summarize the misconduct complaint and reportable use of force investigations audited and any recommendations, and for the Community Board to ask questions and share any concerns. These meetings will be scheduled with sufficient time to provide input from the Board so the Police Auditor can consider whether to adjust their mid-year or annual written report prior to filing the report with City Council.

### **2.38.080 Reporting**

The Police Auditor will receive a regular report from OPD that outlines the number of use-of-force incidents and complaints received. From OPD data and audit work, the Police Auditor will File a mid-year and an annual report with the City Council with a copy to the City Manager, Board, and Chief of Police. At a minimum, reports shall include, but not be limited to:

- A. A listing of each complaint case audited during the reporting period, indicating the following:
  - 1. The complaint type;
  - 2. When an additional investigation was requested, and, if so, the type of response provided (i.e., compliance with the request or receipt of a written explanation);
  - 3. A finding on each case audited indicating either:
    - a. That the case met the established investigative standard; or
    - b. After response to a request for further investigation, the case failed to meet the investigative standard and the reasons supporting such finding.
- B. An analysis of key trends and patterns;
- C. Recommendations for revisions to process, policy, procedure or training stemming from the audit process; and
- D. A list of the updated policies, procedures, and trainings related to the Police Auditor Scope of Work.

### **2.38.090 Confidentiality**

The Police Auditor shall be bound by and shall comply with all state and federal laws, regulations and policy relating to access to and confidentiality of law enforcement records and information, respecting the privacy rights of all individuals. The Police Auditor shall not disclose or produce any records or reports which contain

the name of any individual police employee, complainant, or witness that the Police Auditor is privy to as a part of their Police Auditor role, except with the express permission of the City. Any request for public records that is inadvertently received by the Police Auditor shall be referred to the City Clerk's Office for processing pursuant to City Policy.

**2.38.100 Independence of the Civilian Police Auditor**

At all times, the Police Auditor shall be totally independent. Findings, requests for further investigations, recommendations, and reports shall reflect the views of the Police Auditor, after careful consideration of input from the Board.

**Section 2. Corrections.** The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 3. Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

**Section 4. Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 5. Effective Date.** This Ordinance shall take effect **January 1, 2025.**

\_\_\_\_\_  
MAYOR

**ATTEST:**

\_\_\_\_\_  
CITY CLERK

**APPROVED AS TO FORM:**

\_\_\_\_\_  
DEPUTY CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**