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COMMITTEE	<input type="checkbox"/>
DATE	9-16-02
AGENDA ITEM NO	4F

Ordinance No. 6220

AN ORDINANCE providing for a professional services contract to retain an auditor to review specified investigations within the Olympia Police Department; adding a NEW CHAPTER 2.38 to the Olympia Municipal Code.

THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. That the following NEW CHAPTER 2.38 is hereby added to Title 2 of the Olympia Municipal Code:

NEW CHAPTER 2.38
POLICE AUDITOR

Sections:

- NEW SECTION 2.38.010 Police Auditor.
- NEW SECTION 2.38.020 Purpose.
- NEW SECTION 2.38.030 Selection and compensation.
- NEW SECTION 2.38.040 Term of service.
- NEW SECTION 2.38.050 Cancellation of service.
- NEW SECTION 2.38.060 Qualifications.
- NEW SECTION 2.38.070 Duties and Responsibilities.
- NEW SECTION 2.38.080 Reporting.
- NEW SECTION 2.38.090 Confidentiality.
- NEW SECTION 2.38.100 Independence of the Police Auditor.

NEW SECTION 2.38.010 Police Auditor. The City Council may, by contract, retain the services of a Police Auditor. The Police Auditor shall be totally independent from the Police Department and shall report to the City Council.

NEW SECTION 2.38.020 Purpose. The purpose of retaining a Police Auditor is to provide an independent review and audit of investigations of complaints about the Police Department and/or its employees. The specific goal is to increase public trust and confidence in the professional accountability systems of the Police Department.

NEW SECTION 2.38.030 Selection and Compensation. The Police Auditor shall be selected by the City Council. The Police Auditor may be retained under a professional service contract for the term specified in this Chapter, under conditions and for compensation determined appropriate by the City Council.

NEW SECTION 2.38.040 Term of Service. The term of the Police Auditor professional service contract shall be one year. The Police Auditor may be retained for further one-year terms as determined appropriate by the City Council.

NEW SECTION 2.38.050 Termination of Service. The professional services contract of the Police Auditor may be terminated under the conditions set forth by the Council in the contract.

NEW SECTION 2.38.060 Qualifications. The Police Auditor shall have the following minimum qualifications:

- A. A history of exemplary personal and professional conduct and integrity;
- B. The ability to establish a broad base of credibility in the community;
- C. A law degree or an advanced degree in a relevant social science;
- D. Knowledge of and experience with contemporary investigative techniques;
- E. Knowledge of labor law as applied to public safety employees;
- F. Excellent written and oral communications skills; and
- G. Facility with basic social science statistical analysis techniques.

NEW SECTION 2.38.070 Duties and Responsibilities. The Police Auditor shall have duties and responsibilities set forth in this Section, as follows:

A. The Police Auditor shall review police professional standards investigations relating to complaints about the Police Department or its employees to determine if the investigations meet the standard of being complete, thorough, objective, and fair.

B. The number of complaint cases to be reviewed annually shall include all complaints about police employees which allege the use of excessive or unnecessary force, civil rights violations, or bias and any other cases described in the contract.

C. Each investigative audit conducted by the Police Auditor is intended to be an impartial review of the Police Department's internal investigative process and a verification of the Department's compliance with established policy and procedure. Investigative audits shall not duplicate or interfere with any internal investigation. Materials utilized by the Police Auditor in investigative audits are confidential and anonymous, containing the name of no employee, complainant, or witness.

D. The Police Auditor shall make a written request to the Chief of Police for further investigation whenever he/she concludes that further work is needed for an investigation to meet the established standard. The Chief of Police may respond to such requests from the Police Auditor either by providing the additional investigation or by providing the Police Auditor with a written explanation indicating the reasons why the requested investigation is not being completed. The City Manager shall be provided with a copy of the written response in all cases where the Chief of Police elects not to conduct additional investigation requested by the Police Auditor.

NEW SECTION 2.38.080 Reporting. At a minimum, the Police Auditor shall file a mid-year and an annual report with the City Council, and shall provide the City Manager with a copy thereof. The 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. Whether 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;

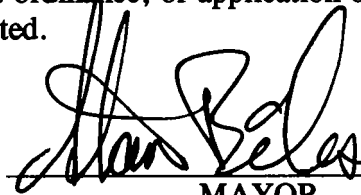
B. An analysis of key trends and patterns; and

C. Recommendations for revisions to process, policy, procedure or training stemming from the audit process.

NEW SECTION 2.38.090 Confidentiality. The Police Auditor shall be bound by and shall comply with all state and federal laws relating to access to and confidentiality of law enforcement records and information, and to the privacy rights of individuals. The Police Auditor shall not produce any report which contains the name of any individual police employee, complainant, or witness unless required by state law.

NEW SECTION 2.38.100 Independence of the Police Auditor. At all times, the Police Auditor shall be totally independent and findings, requests for further investigations, recommendations, and reports shall reflect the views of the Police Auditor alone. No person shall attempt to undermine the independence of the Police Auditor in the performance of the duties and responsibilities set forth in New Section 7.

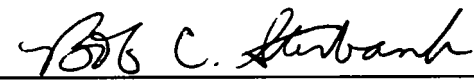
Section 2. If any provision of this ordinance or its application to any person or circumstances is held invalid, the remainder of this ordinance, or application of the provision to other persons or circumstances, shall be unaffected.


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

Passed: September 16, 2002
Approved: September 16, 2002
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