

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATED TO THE POLICE AUDITOR AND AMENDING OLYMPIA MUNICIPAL CODE CHAPTER 2.38

WHEREAS, the Olympia City Council finds and determines that the purpose of retaining a Police Auditor is to provide an independent review and audit of investigations into complaints about the Olympia Police Department and/or its employees; and

WHEREAS, the Council is committed to providing an independent process to increase public trust and confidence in the professional accountability of the Olympia Police Department; and

WHEREAS, amendments are necessary to OMC Chapter 2.38 to add additional duties and responsibilities required of the Police Auditor with regard to use of force as defined in Olympia Police Department General Orders and police response to public demonstrations and crowd control, when an event results in an act of violence, to determine if the Olympia Police Department response was in alignment with the Police Department’s Guiding Principles for Demonstration and Crowd Control; and

WHEREAS, the Council also finds that amendments are required so the Police Auditor shall review and recommend revisions to Olympia Police Department policies, procedures, and training related to complaints, use of force, and the internal investigative process based on audit findings, and that revisions should be in alignment with best practices regarding diversity, equity, and inclusion while ensuring public safety and protection of First Amendment and other constitutional rights;

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

Section 1. Amendment of OMC 2.38. Olympia Municipal Code Chapter 2.38 is hereby amended to read as follows:

Chapter 2.38

POLICE AUDITOR

2.38.000 Chapter Contents

Sections:

- 2.38.010 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.
- 2.38.080 Reporting.
- 2.38.090 Confidentiality.
- 2.38.100 Independence of the Police Auditor.

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 Olympia Police Department and shall report to the City Council.

2.38.020 Purpose

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

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 services 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 professional services contract shall be one year. The Police Auditor may be retained for further one-year terms as determined appropriate by the City Council.

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.

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.

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 Olympia 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. The Police Auditor shall review all uses of force, complaints, and internal misconduct investigations as defined in Olympia Police Department General Orders to determine if they are consistent with Police Department policies, without indication of bias, protect civil rights, and are in alignment with best practices.~~

~~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. The Police Auditor shall also review the Police Department's response to public demonstrations and crowd control when an event results in serious physical injury to determine if the Police Department response was in alignment with the Police Department's Guiding Principles for Demonstration and Crowd Control.~~

~~CD. 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 Police 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.~~

~~DE. The Police Auditor shall make a written request to the Chief of Police for further investigation whenever the Police Auditor 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 the additional investigation requested by the Police Auditor.~~

~~F. The Police Auditor shall review and recommend revisions to Police Department policies, procedures, and trainings 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.~~

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 and Chief of Police with a copy. 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~~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.

- c. The Auditor's report shall not contain the names of employees, complainants, or witnesses.
- B. An analysis of key trends and patterns; ~~and~~
- 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 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.

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 influence or undermine the independence of the Police Auditor in the performance of the duties and responsibilities set forth in OMC 2.38.070.

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 thirty (30) days after passage and publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber
CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: