

City of Olympia Review of 2020 Public Demonstration Responses and Current Crowd Management Policies and Practices

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I. Executive Summary

In 2020, more than 70 demonstrations occurred in Olympia, Washington, several of which resulted in injuries to community members and police officers, significant property damage, and widespread disturbances to the community's sense of public safety and security. In order to learn from those events and ensure that the Olympia Police Department (OPD) follows best practices for public demonstrations and crowd management, the City of Olympia commissioned this study. A comprehensive review was conducted of eighteen significant demonstration events in Olympia that occurred between May 31, 2020, and January 31, 2021, as well as the applicable OPD policies, practices, trainings, and communications.

The study found that the OPD's event responses were within its existing policies. However, the study also identified several ways in which the Department's 2020 policies and practices fell short of best practices. Most importantly, those shortcomings were also identified by the Department over the course of time since May 31, 2020, as it progressively reflected on its performance lessons learned.

Specifically, over the course of the past eighteen months, the Department has made significant efforts and progress in its efforts to meet several needs that were identified by this study and detailed in this report. This report discusses each identified need for reform and makes the following recommendations:

1. Adopt a Public Assembly and Crowd Management Statement of Purpose that declares the OPD's commitment to support and facilitate the exercise of citizen's First Amendment rights in a fair and equitable manner, without consideration as to content or political affiliation, with as minimal interference with such activities as is reasonably necessary to preserve public safety and order.

2. Adopt a Comprehensive Crowd Management Policy that provides clear guidance to officers, supervisors, commanders, and participating first responders and mutual aid partners regarding the employment of appropriate crowd management, intervention, and public safety strategies in a manner that facilitates, to the extent safe and feasible, community members' rights to free expression and peaceable assembly.

3. Communication. Establish formal communication protocols that consistently inform the community of its actions, including publishing After Action Reports and engagement with community members and business owners who are adversely affected by events.

4. Enhance Crowd Management Trainings. Require that all OPD officers, supervisors, commanders, and community partners (such as Olympia Fire Department Medics) who assist with crowd management receive training on First Amendment rights, Diversity, Equity and Inclusion (DEI) principals, procedural justice, and crowd-specific de-escalation skills.

5. Resources. Provide (a) improved audio and video recording technology equipment for Department use during events in order to enhance reporting, transparency, accountability, opportunities to learn, and the capacity to capture criminal acts and aid prosecutions; (b) additional staff resources allocated to ensuring internal affairs policy compliance; and (c) a more clearly defined and accessible complaint process.

II. Introduction

On May 25, 2020, George Floyd was murdered by Minneapolis police officer Derek Chauvin as three other officers looked on and prevented passers-by from intervening. When video and reports of that tragic event were broadcast, citizen protests against police brutality, especially towards Black people, quickly spread nationwide and to over 2,000 cities and towns in over 60 countries in support of the Black Lives Matter (BLM) movement. Polls in summer 2020 estimated that between 15 million and 26 million people had participated at some point in the demonstrations in the United States, making the protests the largest in U.S. history. While the majority of protests were peaceful, demonstrations in some cities escalated into riots, looting, and street skirmishes with police and counter-protesters.

In Olympia, Washington there were more than 70 demonstration events in 2020, several of which resulted in injuries to community members and police officers, significant property damage, and widespread disturbances to the community's sense of public safety and security. In addition to public outrage regarding police misconduct and historic racism in law enforcement, many demonstrations involved partisan political conflicts, concerns regarding wealth inequality, and other public policy issues. These events and law enforcement responses were further complicated by the public safety issues imposed by the Covid-19 pandemic.

By the end of 2021, many members of the Olympia community were critical of the OPD's conduct in response to several demonstration events. In response, on May 4, 2021, the City of Olympia commissioned this study at the request of the City Council.

The primary goal of this review and report is to ensure that the OPD's policies, practices, trainings, communications, and mutual aid protocols related to responding to public demonstrations are consistent with best practices, unbiased, and maximize public safety while protecting community members' First Amendment rights. The study specifically required the following:

1. Review the Olympia Police Department's response to 2020 public demonstrations and crowd control to determine if they were unbiased, ensured public safety, and upheld first amendment rights. The study will include reviewing video documentation captured by the public and submitted to OPD. The review will include, but is not limited to, consistency with current OPD policies; practices; training; consistency of pre-demonstration communication protocol; mutual aid protocols; and how and why the Department adapted their response over the course of the summer starting with the first event on May 31, 2020, and lessons learned.
2. Review and assess OPD's policies, procedures, and training related to public demonstrations and crowd control to determine if they are unbiased, ensure public safety, uphold first amendment rights and are in alignment with best practices regarding diversity, equity, and inclusion. The review and assessment will include, but is not limited to, mutual aid with partner jurisdictions and agencies, and pre-demonstration communication protocol.
3. Provide a written report to the City Manager. The report will contain the findings of items 1 and 2; including trends, patterns, and areas where the response was inconsistent with OPDs policies, procedures, and training standards. The report will also include specific recommendations to revise policies, training, mutual aid agreements, and pre-demonstration communication protocol to ensure OPD responds to public demonstrations in a way that is unbiased, ensures public safety, and upholds residents first amendment rights.

III. Methodology

Eighteen significant public demonstration events were selected for in-depth review. Seventeen of the selected events occurred between May 31, 2020, and December 12, 2020. Events that occurred on January 31, 2021, at the Olympia Red Lion Hotel were also reviewed at the request of City leaders. The events examined were selected based upon their scale as measured by the number of demonstrators and police involved, arrests, and documented public impact as represented by media reports and video documentation.

The following information and records were collected regarding the selected incidents:

- OPD training materials related to crowd management.
- OPD Policies related to crowd management and uses of force;
- Applicable Mutual Aid agreements;
- Individual reports of use of force, including officer statements, from OPD and other involved law enforcement agencies;
- Case summaries;
- Chain of Command reviews of individual uses of force;
- OPD Incident Action Plans for all planned events;
- Arrest and charging documents;
- Videos and photos in OPD records and submitted by the public;
- News outlet articles and news coverage;
- Social media posts from community members, reporters, and city officials regarding events reviewed, including Twitter Posts, YouTube videos, Facebook live streams and videos.

Numerous law enforcement reform organization proposals, law enforcement agency policies and practices, and crowd management studies were also reviewed for this study. The following sources provided particularly valuable guidance:

Center for Policing Equity Guiding Principles for Crowd Management, <https://policingequity.org/images/pdfs-doc/crowdmgt.pdf>

Campaign Zero (law enforcement reform and training resources), <https://campaignzero.org/#vision>

ACLU WA, Know Your Rights Guide: Protests, <https://www.aclu-wa.org/docs/know-your-rights-guide-protests>

Los Angeles PD Directive 11: Crowd Management, Intervention, and Control,
https://lapdonlinestrgeacc.blob.core.usgovcloudapi.net/lapdonlinemedia/2021/10/Directive_11.2_Crowd_Management_Intervention_Control_April_2021.pdf

The Seattle Police Department 2021 Policy on Crowd Management, Intervention and Control,
<https://www.seattle.gov/police-manual/title-14---emergency-operations/14090---crowd-management-intervention-and-control>

Tacoma Police Department Professional Standards Policy,
https://cms.cityoftacoma.org/police/Tacoma_Police_Department_Policies.pdf

Seattle Office of Inspector General Sentinel Event Review of Police Response to 2020 Protests in Seattle,
<http://www.seattle.gov/Documents/Departments/OIG/Policy/OIGSERWave1Report072221.pdf>

City of Portland Police Bureau 0635.10 Crowd Management/Crowd Control
<https://www.portlandoregon.gov/police/article/649358>

Final Report of The President's Task Force on 21st Century Policing
https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

International Association of Chiefs of Police Model Crowd Management Policy
<https://www.theiacp.org/sites/default/files/2020-08/Crowd%20Management%20FULL%20-%2008062020.pdf>

FEMA Incident Command System (ICS) Model,
<https://training.fema.gov/emiweb/is/icsresource/assets/ics%20review%20document.pdf>

IV. General Observations and Findings

A. Overview of OPD Demonstration and Crowd Management Responses

It is undisputed that the 70+ demonstrations in Olympia between May 2020 and early 2021 took an enormous toll on the community, engendered distrust toward the OPD by many, and raised legitimate questions regarding the Department's responses to particular events.

This study's review of eighteen of the most controversial events revealed that the Department, like police departments throughout the country, struggled to respond adequately to the unprecedented

number of unplanned events, many of which involved individuals who were destructive and unresponsive to lawful orders.

The Department consistently developed operational plans for planned events, and those plans improved over time. However, most of the events reviewed were not planned. Moreover, the records did not reveal significant departures from OPD policies and trainings, but the policies and trainings in place did not provide adequate crowd-specific guidance or measures of assessment. Also, because events often involved other law enforcement agencies and there were no formal communications protocols in place, it was very difficult to discern which agency employees were responsible for controversial conduct. Finally, the Department's lack of sufficient audio and visual recordings of the events resulted in many people relying on citizen's recordings and interpretations of events that were incomplete. In sum, all of these dynamics resulted in an unacceptable lack of clarity and transparency regarding OPD conduct.

The review of event records also demonstrated positive aspects of the Department's demonstration responses. The records indicate that officers and supervisors properly reported and reviewed uses of force. Also, over time, the Department integrated lessons learned from successive events, as is discussed in more detail below. In order to understand that evolution, we began with an examination of the OPD policies that guided the Department.

B. OPD Policies and Procedures re Demonstrations and Crowd Management

The General Orders that govern OPD employee practices, procedures, rights and obligations do not contain specific regulations regarding public demonstrations and crowd management. Accordingly, OPD operations related to crowd management have followed its general Use of Force policy.¹ There are several key requirements in the Use of Force policy that apply to potential disturbances at public demonstrations:

1. Requirement to de-escalate

The OPD includes de-escalation in use of force training and applies de-escalation principles (such as time, distance, and communication) in use of force situations.

2. Requirement to apply a progressive use of force continuum

The OPD policy requires a progressive application of force, and the force that is responsive to the subject's actions. Officers are trained to only use the amount of force necessary, and to only use force until a threat is no longer present.

¹https://cms7files.revize.com/olympia/Document_center/Services/Police/Accountability%20&%20Transparency/OPD-policy-use-of-force.pdf.

3. Requirement for comprehensive reporting

The OPD requires comprehensive use of force reporting and review by a supervisor anytime force is used. In addition to the use of force report, involved officers must each complete a supplemental report to the incident.

4. Duty to intervene

The OPD policy requires officers to intervene and report improper arrests or excessive use of force without delay. This is reinforced in training with new and existing employees.

5. Permissible Crowd Management Munitions

The Training Office will maintain the list of Crowd Management Munitions approved by the Chief. Commissioned staff may deploy approved pyrotechnic and irritant munitions only in an outdoor environment, in accordance with training, and when approved by the shift supervisor.

V. Lessons Learned and Related Developments

The OPD has demonstrated its commitment to providing the highest level of services to all members of the Olympia community, particularly in the wake of the historic events of 2020. For example, the Department states the following on its website:

We hope you see that we are continuing to build an organization that delivers 21st Century police services. We are committed to ensuring that OPD staff are professional, highly trained, and versed in crisis intervention, procedural justice, de-escalation and fair and impartial policing. We are focused on providing the best policing service for our community that we can, and to ensuring that our actions are consistent with the values of our community.

Moreover, in the past year, the Department has provided several informational statements regarding high-profile events, announced its adoption of the police reform objectives provided by the #8CANTWAIT national campaign, and, most significantly, the Department posted its Guiding Principles for Demonstrations and Crowd Control (“Guiding Principles”).² These documents represent numerous,

²https://cms7files.revize.com/olympia/Document_center/Services/Police/Accountability%20&%20Transparency/Demonstrations-CrowdControl-Guidelines.pdf

significant ways in which the Department has improved its performance and intends to continue to improve. This study seeks to highlight and build on those developments.

The OPD's Guiding Principles document specifies numerous values, procedures and priorities that should be established in formal policies and official Department practices. The remainder of this report discusses the specific lessons learned, how the Department has endeavored to address those lessons, and recommendations for further action in order to align the Department policies and procedures with best practices and the City of Olympia's values.

1. Olympia's Public Assembly and Crowd Management Values

As noted in Section IV B. the OPD has policies that were followed in its responses to demonstration events in 2020. However, as the Department recognizes, the OPD's lack of specific policies regarding its priorities and operations in response to demonstrations and crowd management likely contributed to its lack of preparedness for the large number and scale of demonstrations last year. That is largely due to the fact that general use of force standards and training are not necessarily appropriate or effective in crowd situations. Moreover, the use of force standards do not provide a framework for ensuring that Department employees recognize, respect and protect individual's free speech and assembly rights.

Accordingly, the lack of specific policies regarding demonstrations and crowd management is a very significant problem that the Department is committed to remedying as soon as possible. In mid-2021, the Department required officers to draft proposed crowd management policies as part of the Police Lieutenant civil service exam. This study included review of the draft policy that received the highest score. The draft policy reflects extensive review of many of the resources listed in Section III of this report, and it integrates the widely agreed best practices for crowd management. The Department began the process of using the draft policy to develop and adopt a new policy with the aid and input of various stakeholders, including community members. The process was stalled by concurrent requirements for policy updates that were necessary to comply with 2021 legislation. Nonetheless, the Department recognizes that the public assembly and crowd management policy is important, and it is committed to completing the process as soon as possible.

The Department's efforts to date, and the draft policy developed through the Lieutenant civil service exam, reflect the Department's recognition that adopting applicable, formal policies is critical. Such policies clarify values, standards, and expectations for the Department and its employees. There should not be any ambiguity or discretion regarding how the Department and its employees plan for and attend

to public demonstrations, public exercise of free speech and peaceable assembly, and the potential threats to public safety that may arise in events involving multiple people with strongly conflicting views. Formal policies minimize the potential for disparate and biased responses, while providing clear standards of accountability when conduct is questioned.

For all of the reasons above, it is the best practice for police departments to have specific and comprehensive policies regarding public demonstrations and crowd management. Such policies have been adopted in jurisdictions throughout the country. The Seattle Police Department and Los Angeles Police Department have recently adopted such policies, and the City of Portland Police Bureau has one currently under review. Each of them is referenced in Section III of this report. The policies in those jurisdictions largely reflect the same principles, expectations and practices contained in the general practices and informal policies that the OPD articulated in its Guiding Principles for Demonstrations and Crowd Control.

RECOMMENDATION: Adopt a Public Assembly and Crowd Management Policy Statement

A policy statement should be adopted as soon as possible that declares the OPD’s commitment to support and facilitate the exercise of individual’s First Amendment rights in a fair and equitable manner, without consideration as to content or political affiliation, with as minimal interference with such activities as is reasonably necessary to preserve public safety and order. The Department’s language should signal a shift away from an “us vs. them” mindset and focus on facilitating peaceful assembly and ensuring the safety of community members. Thus, rather than addressing the Department’s responsibility as “crowd control” it should refer to “crowd management.” Adopting this policy statement in the OPD’s General Orders can be accomplished relatively quickly, while the process of developing a comprehensive set of crowd management orders, with input from the community and other stakeholders is underway.

2. Comprehensive Crowd Management Policy

The OPD General Orders should be amended to include a policy that provides clear guidance to officers, supervisors, and commanders in employing appropriate crowd management, intervention, and public safety strategies in a manner so as to facilitate, to the extent safe and feasible, community members’ rights to free expression and peaceable assembly. As the examples provided by Seattle, Portland, and Los Angeles show, a comprehensive Crowd Management Policy contains a large number of items. Such a policy should be developed in accordance with Olympia’s Reimagining Public Safety principles and provide stakeholders with meaningful opportunities for public review and comment.

The Department required Lieutenant candidates to draft model crowd management policies and evaluated the submissions utilizing the following criteria:

- Pre-planning using the OPD matrix
- Mission and purpose
- Communication plan – both internally and externally to community
- After-action report – critique of operations
- Participants are treated equally and without bias
- De-escalation efforts to be taken with the group
- Adjusting police tactics as the participants' behavior changes
- Police reports written in a timely manner
- Using the Incident Command System (ICS)
- Who has authority to authorize force
- How to address counter protesters
- Logistics
- How to use mutual aid
- When to disperse a group
- When does a gathering become an unlawful assembly
- Pre-planned events vs. spontaneous events
- Participants openly carrying firearms
- Disturbances within the group

The guidelines above integrate several lessons learned that were identified by the Department over the past eighteen months. The following twenty-one items are included in the Department's Guiding Principles document:

1. Meet with Event Organizers

To ensure the safety of everyone involved, OPD welcomes and encourages meeting in advance with event organizers. This allows OPD to discuss event objectives, develop plans for the route, schedule, timing and strategies to prevent the escalation of disruptive behavior by individuals within the crowd or by counter demonstrators.

2. Communicate with Stakeholders in Advance

The OPD will inform community members and City leaders about planned demonstrations or civil disturbances that have the potential to impact quality of life, daily operations and public safety.

3. Provide Consistent Crowd Management and Engagement

The OPD uses a risk assessment matrix and protocol to develop plans. This approach ensures consistent planning criteria, which minimizes the potential for disparate treatment based on who is involved in any demonstration and provides for greater accountability and transparency.

4. Set Clear Expectations for Officers, Command Staff, and Mutual Aid Partners

Protecting First Amendment rights of all who participate and providing a high level of public safety is always reinforced. It is also communicated to officers the specific behaviors, tactics, and messaging that are expected of them during a demonstration. This includes how and when to engage, what tools to use, and the objectives.

Prioritize directing incoming staff to a staging point, where they can be properly briefed about expectations and other aspects of the event prior to deployment. OPD will also prioritize providing pre-event briefing information staff who are on standby and ready to deploy if needed.

5. Prioritize De-Escalation

The OPD's guiding principle in responding to demonstrations and crowd control is de-escalation. The OPD learned during the 2020 protests that were focused on policing and police reform, that police officer presence escalated tensions. The OPD adapted its strategy by removing police from visual sight of protest participants, which helped lower emotions and reduce violent interactions between the OPD and demonstrators. This practice will continue.

A critical resource for the OPD in effectively managing demonstrations has been the use of bicycles. Bicycle officers are able to maneuver more quickly in a crowd than officers in motor vehicles, and bicycle helmets provide some head protection but are not seen as militaristic gear. Bicycle officers are often seen as less intimidating than other officers in riot type gear, and therefore able to engage with protesters more easily. The OPD learned that bicycles were the most effective mode of crowd management and will continue to prioritize their use.

In addition, Officers are trained and expressly prohibited from using racist, insulting or obscene language at demonstrators, counter demonstrators or observers.

6. Protect the Safety of Demonstrators and Community At-Large

Ensuring everyone has a safe space to express their first amendment rights is a top priority. The OPD will attempt to separate groups if feasible when opposing groups demonstrate or reveal that they may be prone to violence or conflict. The OPD will enforce laws when they are violated, especially when there is a significant risk to public safety, particularly among those carrying firearms and other weapons capable of producing significant bodily harm. The OPD will do everything possible to ensure those demonstrating have a safe space to exercise constitutionally protected rights related to free speech.

7. Use Dispersal Orders for Civil Disturbances Only

A civil disturbance is an unlawful assembly and is defined by law. Normally this is characterized by a group of people involved in collective violence, destruction of property or other unlawful acts. Civil disturbances are often, but not always, spontaneous occurrences that require the emergency mobilization of law enforcement officers. Law enforcement may employ crowd control techniques and tactics to address unlawful public assemblies. Tactics and techniques may include a show of force, crowd containment, dispersal equipment and strategies and preparation for and/or initiating arrests.

The use of less lethal weapons will not be used on peaceful crowds.

8. Criminal Activity Intervention Criteria

The OPD considers the following factors when deciding if they need to intervene when individuals or groups are engaged in criminal activity: number of individuals engaged in criminal acts, type of criminal acts, presence of weapons, level of risk to non-involved, presence of children and vulnerable people, number of staff available to facilitate a safe intervention and public safety risk related to action or inaction by law enforcement.

If criminal activity involves only a few individuals, the OPD will attempt to separate and address those individuals.

9. Provide Audible and Clear Dispersal Orders

Before dispersing crowds or deploying any crowd control measures the OPD will clearly communicate to those involved in a civil disturbance that they must disperse, and that a failure to do so may result in exposure to use of force and/or arrest. The OPD will provide as many warnings as feasible and safe, and sufficient time and egress will be allowed for the crowd to comply and disperse.

10. Conditions When Dispersal Orders May Not Occur

The OPD may not be able to issue dispersal orders if the risk to public safety is too high due to widespread violence or property damage. These situations are extremely rare. The OPD will work diligently to open lines of communication with event organizers to facilitate a peaceful outcome.

11. Use of Force Standards and Communications

If force is used, it will be done in compliance with the use of force policy and crowd management training. It is also important that the OPD clearly communicate to staff and the community the decisions made related to any civil disturbance and why.

12. Prohibit Damage to Private Property

The OPD recognizes the compounding negative impacts civil disturbances have on small business, particularly in the downtown core. The impacts are often seen in the loss of revenue related to actual business as well as property damage. The OPD's decision to engage and take enforcement action during

a civil disturbance when property damage is occurring is dependent on many factors such as the ratio of police to demonstrators, un-involved people in the immediate area, the presence of children or vulnerable people and overall risk vs. benefit related to public safety given police intervention.

The OPD will seek to take enforcement action against any level of property damage or crimes against persons if it is safe and the risk to public safety has been considered. After the conclusion of the event, OPD will communicate to the impacted business or businesses regarding why a decision was made to take or not take enforcement action.

13. Tear Gas Discontinued

The OPD recognizes the concerns expressed by the Olympia community regarding the use of tear gas. Recent legislation also further restricts its use. Therefore, the OPD has eliminated tear gas as a tool for dispersing civil disturbances and has disposed of all supplies.

14. Assistance from Armed Groups Expressly Prohibited

The OPD does not want, nor will it allow the assistance of vigilantes, armed groups or anyone who is not a police officer to assist carrying out the duties and functions of police in any circumstance. Engaging in this type of conduct is unlawful, and the OPD will take enforcement action against violators.

15. Provide and call for Medical Response

OPD officers will provide or call for medical assistance for persons injured at demonstrations. In 2020, the OPD encountered a number of individuals who suffered injuries during civil disturbances. Getting medical personnel to those injured and in immediate need of medical care was often very difficult due to the location, number of demonstrators, potential safety risks and barriers to ingress and egress. In response to this, the OPD has developed a partnership with the Olympia Fire Department, in which we now have trained medics walking alongside police officers at public demonstrations. The role of the medics is to care for people injured, not to manage crowds or act as an agent of the police department. This ensures that anyone injured in during a public demonstration will get immediate medical assistance.

16. Permit Journalists and Legal Observers to monitor Demonstrations

Journalists, legal observers and others may observe and record the demonstrations and officer's response. Journalists and legal observers are allowed in areas open to the public. If they enter areas that are closed to the public, they will be asked to leave, and enforcement action taken if they refuse to do so.

17. Only Officers Trained in Demonstration/Crowd Management will be Assigned

Officers who have not been trained in crowd management will either be assigned to the perimeter or partnered under the direct supervision of fully trained staff.

18. Enhanced Officer Health and Wellness

Caring and protecting the health and wellness of officers tasked with responding to a mass demonstration is essential. Major demonstrations produce an all-hands-on deck response in which officers are mandated to work long hours under high levels of stress. Physical and mental fatigue impacts officers' ability to manage protests effectively and maintain positive community relationships.

In 2020, the OPD developed and implemented an intentional officer wellness strategy. The OPD trained 12 officers and professional staff to be peer support specialists to support the emotional needs of staff. Additionally, the OPD contracted with a local psychologist for officers to consult for mental health and wellness. The OPD will continue to support and fund these programs and look for ways to ensure staff are physically and mentally healthy to continue to responsibly and effectively manage demonstrations.

19. Require Timely Reporting on Use of Force

The OPD requires that all uses of force by OPD employees and supporting agencies be thoroughly documented. Use-of-force reporting requirements apply equally to policing demonstrations and civil disturbances. The OPD records, evaluates and investigates every use of force and all use of force complaints as defined in OPD policy. Every use of force incident is forwarded to the Police Auditor for review.

20. After Action Reviews

After action reviews increase learning, helps the Department adapt future responses and provide the community with transparent information about police actions.

After every demonstration the OPD will provide a summary of the event to community members and City leaders, so they are fully informed about what happened, what the police response was, and why any particular law enforcement actions were taken. This level of communication is essential for maintaining and building trust, transparency and accountability.

21. Mutual Aid Partners

The OPD has established mutual aid agreements in place with other law enforcement agencies in Thurston County to provide assistance. In 2020, the OPD utilized mutual aid assistance on many occasions for pre-planned events as well as for events that were unanticipated or rapidly evolved. While the mutual aid agreements that currently exist are general as to providing mutual aid, they are not specific to protests or demonstrations.

Moving forward the OPD will engage in conversations with mutual aid law enforcement partner agencies around including language specific to demonstrations and imbedding language into mutual aid agreements that allows the venue agency to define expectations and rules of engagement for all participating law enforcement agencies.

Throughout the vast majority of demonstrations in 2020, the OPD and command staff from mutual aid agencies were not in the same incident command center. The OPD will make every attempt to have all agencies participating in managing demonstrations operate out of the same incident command center. This builds trust among agencies and creates an opportunity to identify any issue areas, such as inconsistencies in policies and tactics regarding use of force. Enhanced communication between agencies will result in a more consistent, unified response.

RECOMMENDATION: The OPD General Orders should be amended to include a policy that provides clear guidance to officers, supervisors, and commanders in employing appropriate crowd management, intervention, and public safety strategies in a manner so as to facilitate, to the extent safe and feasible, community members' rights to free expression and peaceable assembly. Such a policy should integrate the OPD's Guiding Principles policy statements, be developed in accordance with Olympia's Reimagining Public Safety principles and provide stakeholders with meaningful opportunities for public review and comment.

3. Establish Formal Communication Protocols

During 2020, the Department's resources were, at times, insufficient to provide timely and consistent public information regarding rapidly unfolding demonstration events. This resulted in some inconsistent communications, raising public concerns about the Department's transparency and accountability.

Accordingly, the OPD learned that it needed clear communication protocols for addressing public demonstration events that involved adverse impacts on participants and the community. The Department improved and standardized its communications by increasingly informing potentially affected businesses and individuals prior to events, when possible, and it released public statements summarizing events after they occurred. The OPD also adopted a process for drafting After Action Reports regarding events where there were uses of force, arrests, or significant injuries. The After Action Reports specifically address how the Department met the criteria outlined in the Guiding Principles.

RECOMMENDATION: The OPD General Orders should include communication protocols that require it to immediately notify the City Communications Office of planned demonstrations and of unplanned, significant public assemblies. The protocols should require consistent, thorough, and unbiased communications that inform the community of the Department's actions responding to demonstration events, including the timely release of After Action Reports, as well as engagement with community members and business owners who are adversely affected by events.

4. Enhance Trainings.

This study included a review of multiple documents related to OPD's 2020 crowd management trainings. The trainings and materials were thorough and accurate with respect to specific applicable OPD policies and established, permissible tactics. However, this study revealed two ways in which prior trainings did not meet best practices.

First, the language, tone, and imagery used by the Department frequently presented demonstrators in an antagonistic light. For example, the written materials for a March 2020, two-day training repeatedly refers to demonstration participants as "Protestors," placing that term in quotes in a way that suggested persons who are exercising their rights of free speech and assembly are there for illegitimate purposes. Similarly, some of the photographs used in a power point presentation for a crowd control training depict scenes of violence and disorder unnecessarily. Although it is true that a relatively small number of demonstrators have engaged in unlawful conduct, it is improper to frame trainings regarding public demonstrations and crowd management in an antagonistic light.

Second, the Department's 2020 trainings related to crowd management did not sufficiently emphasize the importance of recognizing First Amendment rights, the duty to respect diverse viewpoints, and the Department's fundamental role as a facilitator of peaceful public assemblies. The 2020 trainings also failed to train officers in procedural justice, which is an approach that demonstrates respect to community members, treating them with dignity and fairness and allowing community members to express their views and tell their side of the story during encounters with the police.

The OPD has subsequently reexamined how it needs to train officers to prepare for public demonstrations. The Department recognizes the need for enhanced emphasis and training on First Amendment rights, procedural justice, DEI principles, and the facilitation of peaceful assembly. Furthermore, the passage of new laws related to use of force requires the OPD to enhance and expand such training. Training will now emphasize the importance of de-escalation and communications tactics in the context of a mass demonstration to ensure officers are equipped to handle interactions calmly and professionally. Trainings will now be related to the differences between constitutionally protected activity and criminal acts, rules for maintaining officers' displayed name or badge number when wearing civil disturbance gear and training on when to use hard protective gear and equipment vs. soft gear during mass demonstrations and how that correlates to de-escalation.

RECOMMENDATION: The OPD should require that all OPD officers, supervisors, commanders, and community partners (such as Olympia Fire Department Medics) who assist with crowd management receive training on First Amendment rights, Diversity, Equity and Inclusion (DEI) principals, procedural justice, and crowd-specific de-escalation skills. The Department should continue training officers and commanders on de-escalation skills, mobile field force and civil disturbance, use of less-lethal munitions, and use of force policy and reporting, all with an eye toward eliminating potentially biased and antagonist language and imagery. The Department trainings must emphasize that the Department and its employees will support and facilitate individuals' rights of free expression and peaceable assembly, with as minimal interference in such activities as is reasonably necessary to preserve public safety and order.

5. Additional Resources.

During and after the events of 2020, the Department learned that its ability to provide responsive and transparent services was somewhat constrained by its resources. The primary resource deficiency identified was related to audio and visual recording technology. Accordingly, the Department requested body cameras and dashboard-mounted video recording devices in order to enhance reporting, transparency, accountability, opportunities to learn, and the capacity to capture criminal acts and aid prosecutions. This request was granted by the city and the equipment is expected to be in place by summer 2022.

The Department also found that, in 2020, the capacity of its Office of Professional Standards ("OPS"), which is responsible for internal investigations and reviewing all use of force reports, was constrained by inadequate staffing. The OPS Lieutenant was also tasked with overseeing the Detective Unit hiring and training, which strained that Lieutenant's ability to timely process internal affairs matters.

Two developments were therefore instituted in 2021 to provide additional resources to OPS. First, the City Council contracted with a local law firm to serve as the City's Police Auditor, which provides independent review of all Department use of force incidents, complaints, and investigations, as well providing feedback to the Department regarding ways to improve its applicable policies and practices. And second, the City approved funding for an additional Lieutenant to oversee the Detective Unit training and hiring, thus allowing the OPS Lieutenant more time to attend to internal affairs.

The third area that was identified as needing improvement was the policy, procedures, and accessibility of the Department complaint process. In 2020 and 2021, the OPD website did not provide the public with easily accessible information and a complaint submission process that adequately enabled

members of the public to communicate their complaints regarding the OPD. Furthermore, the General Orders related to complaints, which had last been revised in 2017, was in need of additional clarification and specific provisions in order to align the Department with best practices.

In response, during 2021, the Department, in consultation with the Police Auditor, underwent an extensive process to revise its General Orders related to complaints in order to align them with best practices. Meanwhile, the City has created a new complaint form and on-line submission process, including information for the public that reflects and explains the revised General Orders.

RECOMMENDATION: The City and the Department should continue monitoring and assessing the provision and efficacy of Department audio-visual recording equipment, internal affairs resources, and the complaint process to ensure the Department meets the community's expectations of accountability and transparency.

VI. Conclusion

The City of Olympia and its Police Department have engaged in broad, commendable, and challenging efforts to critically examine Olympia's approach to policing, learn from past events, invite public scrutiny and input, and invest in a city-wide system of public safety that fosters trust and works for everyone. It was an honor and a privilege to conduct this study and contribute to those efforts.