

## Social Justice & Equity Commission Recommendations for Community Involvement and Oversight

Last Revised: 4/23/24

### Proposed Enhancements to the City of Olympia's Police Oversight Hybrid Model

- I. Overall Purpose: Build trust and legitimacy in the City of Olympia's public safety system by enhancing and maintaining the community's role to ensure police accountability and transparency.

### Civilian Police Auditor

- II. Civilian Police Auditor - The purpose of the Civilian Police Auditor (Police Auditor) is to ensure OPD accountability and transparency by:
  - Auditing the misconduct complaint and reportable use of force investigation systems of the Olympia Police Department (OPD);
  - Making recommendations for operational, training, or policy changes related to observations during the auditing process or where OPD potentially is not aligned with best practices;
  - Assessing whether OPD Police Officers interact with the Olympia community in a socially just and equitable manner through auditing misconduct complaint and reportable use of force investigations; and,
  - Engaging with the Olympia community about policing, police oversight, and related community concerns.
- A. **Powers and Duties**
  - 1) Alleged Misconduct Complaints
    - (a) 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. If OPD does not follow the Police Auditor's recommendation, OPD shall provide a written explanation to the Police Auditor within a minimum of five (5) days of making the decision.
    - (b) 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. When referring a complaint to the Police Auditor for review, the Office of Professional Standards shall include all related, accessible information, such as complainant and witness statements, police incident reports, photographs or Body Worn Camera footage, or other evidence available at the time of the referral. If the Police

Auditor has not addressed the complaint within a minimum of five (5) days of receipt, the Office of Professional Standards may proceed to begin investigating the complaint without input from the Police Auditor. This does not prevent the Department from taking immediate administrative action where appropriate per OPD policies.

- (c) The Police Auditor shall review all investigations, after they are completed 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.
- (d) In reviewing completed complaint investigations, the Police Auditor shall determine if each investigation meets the standard of being complete, thorough, fair, and timely.
- (e) 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. 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 further investigation is not being conducted. 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 regularly share with the Community 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.

2) Use of Force

- (a) The Police Auditor shall audit all OPD reportable use of force incidents to determine if each use of force reported was consistent with applicable OPD policy and to identify any issues or trends related to use of force to address through recommendations for operational, training, or policy changes.
- (b) In reviewing reportable use of force incidents, the Police Auditor shall determine if each use of force report considered 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.
- (c) The Police Auditor shall regularly share with the Community Board all 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, and share concerns, and provide the community's perspective regarding the recommendations.

- 3) Operational, Policy, and Training Recommendations for Olympia Police Department
  - (a) The Police Auditor can make recommendations for operational, training, or policy changes related to their routine audit of misconduct complaint investigations, reportable uses of force, and the internal investigation process, or when the Police Auditor identifies instances when OPD potentially is not aligned with best practices.
  - (b) The Police Auditor, on an annual basis, will be provided a list of all OPD policy and training topics where review and potential changes are anticipated for the upcoming year and can indicate to OPD which topics appear relevant to their auditing of complaint, use of force, and internal investigation processes, or topics of particular concern for the community, so as to be given the opportunity to review and provide comment on specific changes before they are finalized by OPD. The Police Auditor also will receive notice and be provided an opportunity to review and provide comment regarding any policy or training topic that was not on the annual list provided to the Police Auditor, but that OPD decides to review for potential changes during the pending year.
  
- 4) Community Engagement
  - (a) 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 community members can get involved.
  - (b) 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.

**B. Recruitment, Selection, and Qualifications of the Police Auditor**

- 1) The Police Auditor shall be selected by the City Council, with involvement from the Community Board in the recruitment and selection process.
- 2) The Police Auditor shall have significant legal, investigative, criminal justice, civil rights, law enforcement oversight, labor law, auditing, monitoring, and/or prosecutorial experience. While not required, it is preferred that the Police Auditor have a JD degree and a demonstrated ability to audit and evaluate misconduct and/or use of force investigations, to assess complex aggregate data for patterns and trends, and to recommend systemic improvements to police policies and practices. The Police Auditor shall not have been formerly employed by the Olympia Police Department as a commissioned officer, and shall also have the following additional qualifications and characteristics:
  - (a) A reputation for integrity and professionalism, and the ability to maintain a high standard of integrity and professionalism in meeting their Police Auditor duties;

- (b) A commitment to the need for and responsibilities of law enforcement, including enforcement, community caretaking, and the need to protect the constitutional rights of all affected parties;
  - (c) A commitment to the statements of purpose and policies provided for the City of Olympia's Police Oversight Model, the Police Auditor, and the Community Board;
  - (d) A history of successful leadership experience;
  - (e) The ability to relate, communicate orally and in writing, and engage effectively with all who have a stake in policing, including, but not limited to, the general public, complainants, members of marginalized communities, Olympia Police Department commissioned and civilian employees, City Council Members, representatives of the City Manager's Office, other City personnel, and Community Board Members;
  - (f) An appreciation for the City of Olympia's ethnic and socioeconomic diversity and experience working with and valuing the perspectives of diverse groups and individuals; and,
  - (g) The ability to carry out the Police auditor duties in a manner that reflects sound judgement, independence, fairness, and objectivity in an environment where controversy is common.
- 3) The Police Auditor is subject to a background investigation.
  - 4) The Police Auditor shall protect from disclosure confidential, non-public Olympia Police Department files and records to which the Police Auditor has been provided access. Police Auditor written or oral reports shall not contain identifying information about anyone involved in any Olympia Police Department matter to which they are given access, except as specifically provided by law or policy.
  - 5) The Police Auditor may be retained under a professional services contract or as an employee of the City of Olympia, under conditions and for compensation determined appropriate by the City Council.
  - 6) The City Manager's Office shall confer with the Police Auditor when they are initially retained and, thereafter, on at least an annual basis to identify potential training and networking opportunities the Police Auditor will pursue to enhance their professional development, including anti-bias training, Olympia-based immersive experiences, and learning opportunities outside of the region. The Auditor will be responsible for their own professional development expenses.

**C. Where the Police Auditor Fits in the Organization/Reporting Structure**

- 1) The Police Auditor shall report to City Council and serves in an advisory capacity.
- 2) At a minimum, the Police Auditor shall submit monthly activity reports, a midyear report, and an annual report, filing the mid-year and annual reports with the City Council, with copies provided to the Community Board, City Manager, and Chief of Police. Copies of the monthly activity report shall be

provided to the Community Board, City Manager's Office, and posted on the City's website.

- 3) Prior to finalizing and filing their mid-year or annual report with City Council, the Police Auditor shall provide a draft of the report to the Community Board. The draft report shall be provided to the Community Board at least seven (7) days prior to the mid-year or annual meeting to be held between the Police Auditor and Community Board, during which Community Board members can ask questions and provide input to the Police Auditor concerning the report.
- 4) At all times, the Police Auditor shall be totally independent and their 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 performance of their duties and responsibilities.
- 5) While the Police Auditor shall be totally independent, the Police Auditor's responsibilities can best be accomplished through open communication and a collaborative relationship with the OPD, which will support an expeditious, objective, and independent analysis and timely reports to the Community Board, City Manager's Office, and the City Council, and which ultimately enhances transparency and accountability of the OPD.
- 6) The Police Auditor should exercise discretion in favor of recusing themselves from review of any OPD use of force incident, misconduct complaint investigation, or other matter that might reasonably be expected to create a conflict or the appearance of a conflict of interest. Recusal should occur when there exists any financial or personal interest, direct or indirect, that is incompatible with the discharge of the Police Auditor's duties, or might reasonably be expected to impair the Police Auditor's objectivity and independence of judgment in the exercise of their official duties.
- 7) City Council shall identify a Police Auditor Pro Tempore in any circumstance when the Police Auditor recuses themselves from review of a matter due to an actual or apparent conflict of interest or for a specified period of time, not to exceed three (3) months, if the Police Auditor is unavailable to fulfill their duties for any reason.

**D. The Police Auditor's Relationship to the Community Board**

- 1) The Police Auditor shall develop an annual work plan, to include prioritizing the specific OPD policies, training, and other issues of interest the Police Auditor intends to review, which shall be reviewed by the Community Board for input.
- 2) The Police Auditor shall meet with the Community Board, at a minimum, once per quarter, to summarize the misconduct complaint and reportable use of force investigations audited and any recommendations, and for Community Board Members to ask questions and share any concerns. Based on such input, the Auditor can subsequently adjust their mid-year or annual written report prior to filing the report with City Council.

## Community Board

III. Community Board - The purpose of the Community Board is to ensure OPD accountability and transparency by:

- Monitoring independent investigations of use of deadly force that results in substantial harm or great bodily harm to inform whether such use of force meets the good faith standard established in RCW 9A.16.040;
- Participating on OPD Use of Force Review Boards convened to evaluate whether force was used lawfully, appropriately, and is consistent with training and policy;
- Assisting with the recruitment and selection of the Police Auditor;
- Advising the Police Auditor regarding their annual work plan;
- Assessing whether the Police Auditor met expectations regarding interactions with the Community Board;
- Providing feedback to the Police Auditor on their draft use of force and misconduct complaint investigation audit reports and providing the community's perspective regarding recommendations for operational, training, or policy changes; and,
- Collaborating with the Police Auditor on community engagement about policing, police oversight, and related community concerns.

### A. Powers and Duties

#### 1) Use of Force

- (a) Two Community Board Members will be selected by the Olympia Police Department (OPD) to serve as Community Representatives on the Capital Metro Independent Investigation Team (CMIIT) when CMIIT investigates an OPD officer-involved use of deadly force incident that results in death, substantial bodily harm, or great bodily harm or an in-custody death, per the Law Enforcement Training and Community Safety Act (LETSCA). OPD will establish a process for selection of the Community Representatives at the time service is needed and provide their information to the CMIIT Commander for notice and activation of their role. Community Representatives selected for participation on a CMIIT are required to have credible ties to the impacted community.
- (b) The CMIIT Standard Operating Procedures (SOP) and Guidelines for Officer-Involved Deadly Force Incidents (Updated January 2023) shall apply when Community Board members serve as CMIIT Community Representatives. As specified in the SOP, Community Representatives shall:
  - 1. Participate directly in the vetting, interviewing, and/or selection of Independent Investigation Team (IIT) investigators.
  - 2. Review conflict of interest statements from IIT investigators, which are to be submitted within 72 hours of the commencement of each investigation by the investigators.

3. Be present at the briefings with the involved agency (or agencies) Command staff.
  4. Have access to the investigation file when it is completed.
  5. Be provided a copy of all press releases and communication to the media prior to release.
  6. Review notification of equipment use of the involved agency.
  7. Sign a binding confidentiality agreement at the beginning of each police use of deadly force investigation that remains in effect until the investigation is complete and referred to the conflict Prosecutor.
  8. If the confidentiality agreement is violated, the Community Representative may be subject to removal from the CMIIT.
  9. Service Commitment: This is a voluntary commitment, and there are no requirements for the length or duration that a member wishes to serve in this role. The CMIIT Commander who establishes the list may remove a subject at his/her choosing. It would be recommended that a non-law enforcement member who is currently activated not be removed until after the completion of the CMIIT investigation. However, a Commander can remove an individual anytime they deem necessary and/or appropriate.
- (c) OPD shall Increase the number of Community Board representatives on OPD's internal Use of Force Review Board from one (1) to two (2) people. As members of a Use of Force Review Board, Community Board representatives shall have the same authority and responsibility as other Use of Force Board members, as outlined in Policy 301, OPD's Operations Policy Manual.
- 2) Alleged Misconduct Complaints
    - (a) The Community Board will regularly meet with the Police Auditor to receive 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, and share concerns.
    - (b) Community Board Members shall not advise on or undertake the review of allegations and investigations related to the actions of individual police officers, including alleged misconduct complaints and uses of force, except as specifically authorized (i.e., participating on a CMIIT use of force investigation or on an OPD Use of Force Review Board).
  - 3) Policy and Training Recommendations for the Olympia Police Department
    - (a) The Community Board can advise OPD on matters of policy, training, outreach, and education, as requested by OPD.

- (b) The Community Board shall provide input to the Police Auditor regarding their annual work plan and priorities for reviewing specific operational, policy, or training issues.
- (c) The Community Board shall provide the community perspective regarding operational, training, or policy changes recommended by the Police Auditor in their audit reports.

**B. Recruitment and Selection**

- 1) The Community Board shall be comprised of seven (7) members.
- 2) The Community Board shall be recruited and appointed from a broad diversity of candidates.
- 3) The City of Olympia shall develop a broad communications and outreach plan to recruit individuals for the Community Board.
- 4) Community Board Members shall reside or work in the City of Olympia at the time of their appointment or reappointment. Community Board Members shall not have worked for the Olympia Police Department as a commission or civilian employee within twenty (20) years of their appointment. In addition, Community Board Members shall have no other prior relationship with the Olympia Police Department that might create actual or perceived bias for or against the Department of Olympia Police Officers. Candidates for the Community Board shall be required to disclose prior employment, contracts, and affiliations with the Olympia Police Department.
- 5) Community Board Members shall be representative of the City of Olympia's diverse population, drawn from different socio-economic backgrounds and racial and ethnic groups, including immigrant/refugee communities, and from the LGBTQ+, youth, faith, business, and other communities reflecting the overall demographics of Olympia. Consideration should be given to selecting Community Board members who speak English as a second language, have experience with living unhoused, or who have personal or professional experience with mental health challenges or substance use disorders.
- 6) All Community Board members shall have the following qualifications and characteristics:
  - (a) A reputation for integrity and professionalism;
  - (b) A commitment to the need for and responsibilities of law enforcement, including enforcement, community caretaking, and the need to protect the constitutional rights of all affected parties;
  - (c) A commitment to the statements of purpose and policies provided for the City of Olympia's Police Oversight Model, the Police Auditor, and the Community Board.



- (d) The ability to relate, communicate orally and in writing, and engage effectively with all who have a stake in policing, including, but not limited to, the general public, complainants, members of marginalized communities, Olympic Police Department commissioned and civilian employees, City Council Members, representatives of the City Manager's Office, other City of Olympia personnel, the Police Auditor, and other members of the Community Board.
  - (e) An appreciation for the City of Olympia's ethnic and socioeconomic diversity and experience working with and valuing the perspectives of diverse groups and individuals; and,
  - (f) The ability to exercise sound judgement, independence, fairness, and objectivity in an environment where controversy is common.
- 7) Candidates for appointment as Community Board Members are subject to a background investigation. Community Board Members who participate on CMIIT teams investigating certain uses of force must meet other qualifications, as outlined above under II.A.(1)b).
  - 8) Community Board Members shall protect from disclosure confidential, non-public Olympia Police Department files and records to which they have been provided access. Community Board written or oral reports shall not contain identifying information about anyone involved in any Olympia Police Department matter to which they are given access, except as specifically provided by law or policy.
  - 9) The City of Olympia shall consider whether compensation in the form of a stipend for Community Board Members is permissible. In deliberating about the provision of a stipend to Community Board Members, consideration should be given to providing a higher level stipend to those who participate on a CMIT investigation or OPD internal Use of Force Review Board, in recognition of the significant time commitment involved with these activities.
  - 10) Community Board Members shall be eligible to serve a maximum of two (2) three (3)-year consecutive terms. All terms shall be staggered, such that no more than three (3) members' terms expire in any given year. If a member is appointed prior to the expiration of the term of the member's predecessor, the member may complete that term and then be reappointed to serve up to two (2) three (3)-year terms.
  - 11) The term of appointment of any Community Board Member who has been absent from three (3) consecutive regular or special meetings, or who has missed more than one third (1/3) of Community Board meetings in a twelvemonth period, shall automatically terminate. The City Council may remove members by a majority vote of the Council.

**C. Onboarding and Training**

- 1) Community Board Members will participate in onboarding, initial training, and on-going training. Training for Community Board Members will cover topics to include (but not be limited to) legal and OPD policy requirements for the use of

force, reportable use of force investigations and review; OPD training on use of force tactics and tools; the role of critical decision-making, community care taking, de-escalation, duty to warn, and other considerations regarding use of force; OPD's police misconduct complaint investigation process and factors to consider in evaluating relevant evidence and whether an investigation is complete, thorough, fair, and timely; biased policing, implicit bias, and racial profiling; and procedural justice principles.

- 2) Community Board Members shall participate in a minimum of one (1) ride-along within the first six (6) months of their appointment and attend the Olympia Police Department's Community Academy within one (1) year of their appointment, class schedules permitting.

**D. Where Community Board Fits in the Organization/Reporting Structure**

- 1) The Community Board shall report to City Council and serves in an advisory capacity.
- 2) Community Board Members should exercise discretion in favor of recusing themselves from consideration of any OPD use of force incident or other matter that might reasonably be expected to create a conflict or the appearance of a conflict of interest. Recusal should occur when there exists any financial or personal interest, direct or indirect, that is incompatible with the discharge of a Community Board Member's duties, or might reasonably be expected to impair the Community Board Member's objectivity and independence of judgment in the exercise of their official duties.

**E. The Community Board's Relationship to the Police Auditor**

- 1) The Community Board shall be involved through City Council in the recruitment and selection of the Police Auditor.
- 2) The Community Board shall advise the Police Auditor regarding their annual work plan and assess whether the Police Auditor met expectations regarding their interactions with the Community Board.
- 3) The Community Board shall meet in person with the Police Auditor, at a minimum, once per quarter, providing an opportunity for the Auditor to summarize their misconduct complaint investigation and use of force investigations audit and recommendations, and for Community Board Members to ask questions, share any concerns, and provide the community perspective regarding recommended operational, training, or policy changes. The Auditor can subsequently adjust their written report, as needed, prior to finalizing and filing their audit report with City Council.
- 4) The Community Board can request that the Police Auditor provide an in-depth review of one completed use of force investigation per quarter, though time and other resources permitting, the Community Board and Police Auditor can mutually agree that the Police Auditor review more than one completed use of force investigation per quarter with the Community Board. Such investigation reviews shall include the opportunity during regular quarterly meetings for

Community Board Members to access relevant evidence collected during the investigation, with the only redactions being those required by law or policy. If the Community Board does not make a request for an in-depth review of a specific completed investigation, the Police Auditor shall select a use of force investigation to review with the Community Board. The duty to observe confidentiality regarding the Olympia Police Department's files and records shall apply to the investigation review process.

- 5) The Community Board shall collaborate with the Police Auditor on community engagement and support the Police Auditor's community engagement efforts to help facilitate communication between the community and OPD, increase public understanding of OPD policies and practices, and provide input on OPD policies and training that reflect community values and resource priorities.

### **Communications with the Community to Enhance Accountability and Transparency**

- A. OPD shall create a dashboard to track OPD's response to each recommendation made by the Police Auditor, indicating whether the recommendation will be implemented and, if so, when implementation is expected and the steps involved, or indicating the recommendation will not be implemented, with an explanation as to why not.
- B. OPD shall seek input from the Community Board as to the types of data OPD should prioritize making available to the public and to the Police Auditor.
- C. OPD shall include information on Olympia's police oversight system and opportunities for community involvement in OPD in the Community Academy curriculum.
- D. OPD continues to provide anti-bias and implicit bias training and seek opportunities to become a part of and build trust with the communities they serve by meeting with residents, taking part in immersive experiences, and learning about their cultures and needs.
- E. OPD shall consider ways to enhance the involvement of community members on OPD hiring, promotion, and selection panels to encourage broader community representation and involvement from stakeholders with applicable experiences, perspectives, and expertise.
- F. OPD shall ensure that the Police Auditor and Community Board have access to information necessary for fulfilling their expanded duties and responsibilities.
- G. OPD shall consider how to activate the option available under current OPD policy to mediate a misconduct complaint and, where appropriate, use other approaches to foster early complaint resolution, such as sharing Body-worn Camera footage of the underlying incident with the complainant.
- H. OPD shall consider whether there are ways to improve communications regarding the investigation of uses of force that are of particular concern to the community, including final investigative or charging outcomes.
- I. OPD shall consider the pursuit of a change in state and/or local law to set a specific timeline for the prosecutorial decision whether to criminally charge an officer following

an independent investigation of a use of force involving substantial harm or great bodily harm.

**Regular Assessment (Measures of Success)**

- A. Within one (1) year of City Council's adoption of the final recommendations made by the Social Justice and Equity Commission regarding police oversight in Olympia, assess and report out to the community the implementation status of all such recommendations.
- B. At least once per year, assess whether the Police Auditor and Community Board are meeting the specific duties, responsibilities, and standards of review as mandated under the Olympic Municipal Code and as amended following City Council's consideration of the final recommendations made by the Social Justice and Equity Commission regarding police oversight in Olympia.