

CITY OF OLYMPIA, WA

POLICE AUDITOR

2024 *DRAFT* MID-YEAR REPORT

Tara L. Parker, Police Auditor, September 24, 2024

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I. EXECUTIVE SUMMARY

In the first six months of 2024, the Police Auditor served the City of Olympia in multiple ways. First, between January 1 and June 30, 2024, the Police Auditor reviewed documents and body worn camera (BWC) video footage related to thirty-eight (38) incidents involving uses of force by members of the Olympia Police Department (OPD). All of those matters were audited and found to be thorough, objective, free of bias, and consistent with OPD policies.

Second, the Police Auditor reviewed the Use of Force Review Board (UFRB) investigation and findings related to the August 22, 2022, officer involved shooting of Timothy Green. The involved officers' conduct was found lawful and justified by the Capitol Metro Independent Investigation Team (CMIIT), with which the Clark County Prosecutor and the UFRB concurred. The Auditor reviewed all of the records and found that the UFRB investigation was thorough, fair, and met Department Standards.

Third, the Police Auditor reviewed two (2) investigation files regarding allegations of misconduct by OPD employees. This represents a substantial decrease in misconduct complaints, compared to 2023, in which there were eight (8) in the first six months. The investigations were found to be thorough, objective, free of bias, and consistent with OPD policies. There were no sustained complaints of officers engaging in serious misconduct such as excessive use of force or civil rights violations.

Fourth, the Auditor reviewed the OPD's responses to two public demonstration events. The Auditor found that the Department's crowd management plans and responses were consistent with the Department's First Amendment Assemblies and Crowd Management Policy and there were not any indications of bias.

Fifth, the Auditor reviewed the OPD's trainings and policies related to uses of force, anti-discrimination, crisis response, de-escalation, and BWC use. The Auditor found the Department was complying with or exceeding applicable training laws and policies.

Additionally, in 2024, the Department agreed with two prior recommendations from the Auditor. First, while potential revisions to the Body Worn Camera (BWC) are subject to ongoing bargaining between the city, the Officer's Guild and the Sergeant's Association, the Chief of Police directed staff to restrict muting their BWC audio for operational purposes, and the Auditor has observed that officers are complying with that order.

Second, due to the prevalence of use of force incidents involving individuals in crisis, the Auditor recommended that the Department track when and how Crisis Response Unit (CRU) team members are involved in such events. The Department has begun implementing that recommendation. The

Auditor recommends that OPD should continue seeking ways to systematically track and improve its coordination with CRU.

The Auditor also recommends that the OPD seek resources to enhance officer training regarding verbal de-escalation and crisis response.

Throughout the first six months of 2024, with respect to all of the activities above, the Police Auditor examined applicable OPD policies and sought clarification and additional information from the Department when necessary. The Department was receptive, responsive, and fully cooperative with the Auditor at all times. The Auditor also benefited from feedback and engagement with the Social Justice and Equity Commission and Olympia City Council members.

II. POLICE AUDITOR ROLE AND RESPONSIBILITIES

The City of Olympia employs a Police Auditor in order to increase public trust and confidence in the Police Department by providing an independent civilian review and audit of the Police Department's uses of force and its internal investigations regarding complaints against the Olympia Police Department and its employees. The Police Auditor's duties and responsibilities include examining uses of force, complaint investigations, and public demonstration responses to determine whether there is any evidence of unlawful bias or civil rights violations, and to ensure that they are aligned with best practices.

1. Evidence of Unlawful Bias

The Police Auditor scrutinizes every use of force and complaint investigation file, including the related body worn camera (BWC) videos. As part of that scrutiny, the Police Auditor observes whether any conduct by law enforcement suggests officers engaged in bias based on community members' race, sex, sexual orientation, disability, or other protected class. The Auditor also observes whether OPD employees' conduct is consistent with the Department's standards of professionalism and respectfulness towards all.

- a. The following are some of the potential indications of bias or misconduct that the Police Auditor looks for:
 - i. Failure to timely engage in procedural justice steps
 - ii. Interrupting subject
 - iii. Profanity directed at subject
 - iv. Derogatory language, slurs, or offensive terminology
 - v. Argumentative vs. de-escalating language
 - vi. Aggressive/intimidating tone of voice outside of giving necessary commands
 - vii. Aggressive body language in the absence of threats or resistance

2. Best Practices

“Best Practices” is a term of art, which, in the context of police oversight refers to a set of guidelines, methods, and procedures that are considered the most effective and ethical approaches for ensuring transparency, accountability, fairness, and community trust in the policing process. With respect to use of force review, this includes determining whether the Department complies with all policies and applicable laws, as well continually monitoring trends and identifying areas for improvement. Best practices in law enforcement are continually evolving as societal expectations and challenges change.

The Police Auditor examines multiple resources regarding police reform, civil rights, anti-discrimination and impartial investigation practices to discern the practices that best align with the City of Olympia’s values and expectations. Accordingly, the values of the City of Olympia set the standards and expectations of its Police Auditor. The City of Olympia’s values and expectations of its police department are defined by community members, the City Council, and the Social Justice and Equity Commission. Those values are also reflected In the OPD’s General Orders:

“The Olympia Police Department is ethically centered and guided by the fundamental core values of integrity and respect. We are accountable to ourselves and our citizens as we strive to create a community that is safe and welcoming for all.”

3. The Civilian Police Auditor will be responsible for the following:

- b. Review of police professional standards investigations relating to complaints about the Police Department or its employees to determine if the investigations meet Department standards and are complete, thorough, objective, and fair.
- c. Review of all uses of force, complaints, and internal investigations as defined in Olympia Police Department General Orders to determine if they are consistent with Police Department policies, without indication of unlawful bias, protect civil rights, and are in alignment with best practices.
- d. Provide an impartial review of the Police Department’s internal investigative process and verification of the Department’s compliance with established policy and procedures.
- e. Provide an impartial review of the Department’s responses to public demonstrations and crowd management when events result in physical injury, extensive property damage, or is determined by the City Manager to be appropriate for review by the Police Auditor to determine if the response was in alignment with the Police Department’s applicable General Orders and Guiding Principles for Demonstrations and Crowd Management.

- f. Review and recommend revisions to Police Department policies, procedures, and training 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.
- g. The Police Auditor will present the mid-year and annual reports at a City Council meeting.
- h. Filing a mid-year and annual written report to the City Council, with a copy to the City Manager and Police Chief. The Auditor's report shall not contain the names of employees, complainants, or witnesses; and will include:

III. Use of Force Files

- a. Summary of use of force statistics, including but not limited to:
 - viii. Types of use of force used
 - ix. Subject Demographics
 - x. Indications of bias
 - xi. Whether the use of force led to serious injury

IV. Misconduct Complaints and Internal Investigations

- a. A finding on each complaint and internal investigation audited indicating either:
 - xii. That the Department's internal investigation met the Department's standards and established investigative best practices; or
 - xiii. After response to a request for further investigation, the case failed to meet the above standards, and reasons supporting such finding.
- xiv. A summary of the complaints and internal investigations audited, including:
 - a. Date complaint received
 - b. Classification
 - c. General Description
 - d. Investigative Findings
 - e. Corrective Actions
 - f. Police Auditor Findings
 - g. When additional complaint investigations were requested and OPD's Responses
 - h. Findings on each complaint case audited.

V. Additional Information

- a. Summaries of data in graphic and narrative form
- b. Analysis of key trends and patterns
- c. Recommendations for revisions to policy, procedures, and training
- d. A list of the updated policies, procedures and trainings related to the Police Auditor Scope of Work

III. POLICE AUDITOR METHODOLOGY

The Auditor reviews files after they have been marked “complete” following the Department’s multi-level review. For example, a use of force incident may occur on December 1, 2023, undergo review by the Department, and be delivered to the Auditor on January 1, 2024. In that case, the incident would not be included in the Auditor’s 2023 Annual Report, but it would be included in the 2024 Mid-Year Report.

The Office of Professional Standards (OPS) sends the Auditor complete use of force files 3-4 times each month.

1. Per RCW 10.118.030(2) each file must include the following information:

- a. The date and time of the incident;
- b. The location of the incident;
- c. The agency or agencies employing the law enforcement officers;
- d. The type of force used by the law enforcement officer;
- e. The type of injury to the person against whom force was used, if any;
- f. The type of injury to the law enforcement officer, if any;
- g. Whether the person against whom force was used was armed or unarmed;
- h. Whether the person against whom force was used was believed to be armed;
- i. The type of weapon the person against whom force was used was armed with, if any;
- j. The age, gender, race, and ethnicity of the person against whom force was used, if known;
- k. The tribal affiliation of the person against whom force was used, if applicable and known;
- l. Whether the person against whom force was used exhibited any signs associated with a potential mental health condition or use of a controlled substance or alcohol based on the observation of the law enforcement officer;
- m. The name, age, gender, race, and ethnicity of the law enforcement officer, if known;
- n. The law enforcement officer's years of service;

- o. The reason for the initial contact between the person against whom force was used and the law enforcement officer;
- p. Whether any minors were present at the scene of the incident, if known;
- q. The entity conducting the independent investigation of the incident, if applicable;
- r. Whether dashboard or body worn camera footage was recorded for an incident;
- s. The number of officers who were present when force was used; and
- t. The number of suspects who were present when force was used.

2. The Use of Force files must also include:

- a. Arrests or charges
- b. Witness statements
- c. Photos
- d. Videos
- e. Associated case reports
- f. Other documentary evidence
- g. Immediate Supervisor review of reports and determinations
- h. Management review of reports and determinations
- i. Defensive Tactics Use of Force Team reviews and training points, when applicable

3. OPS weekly reports to the Auditor contains updated information regarding all internal and external complaints regarding OPD Officers, including:

- a. Complaint and Internal investigation documents
- b. Classifications
- c. Investigation details and findings
- d. Learning and resolutions

Finally, the weekly OPS reports include all Crowd Management Operational Plans and After-Action Reports regarding public demonstrations.

4. The Police Auditor's process includes:

- a. Tracking all data listed above;
- b. Seeking additional information when necessary;
- c. Consulting with the Chief of Police and the Professional Standards Lieutenant (OPS) regarding observations, policies, practices, and departmental developments;
- d. Examining the data for trends;
 - i. Reviewing all files to determine
 - ii. Completeness
 - iii. Thoroughness

- iv. Objectiveness
- v. Fairness
- vi. Evidence of Bias
- e. Examining Department practices for compliance with OPD policies; and
- f. Noting areas that may be improved by procedural or policy changes.

IV. POLICIES REGARDING COMPLAINTS

OPD Policy 10101 governs how the Department investigates all personnel complaints against OPD employees. It states:

The Olympia Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members. The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any memorandum of understanding or collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

Individuals from the public may make complaints about members of the Olympia Police Department in-person, by telephone, by written documents, and by email. Complaints can also be filed via the complaint form on the City's website.

All complaint investigations are overseen by the Office of Professional Standards (OPS), which is sometimes referred to as Internal Affairs (IA). Complaints about OPD employees by other OPD employees are typically recorded as "IA" files. All complaints must be thoroughly and fairly investigated in accordance with the standards set forth in OPD Policy.

1. The OPD Policy regarding Personnel Complaints provides the following complaint categories:

- a. **Inquiry** – A matter in which there is a question regarding conduct or performance. Such inquiries generally include clarification regarding policy, procedures, or the response to specific incidents handled by the Department.
- b. **Personnel complaints** - include any allegation of misconduct, or improper job performance against an employee of the police department that, if true,

¹ The full policy can be found at <https://public.powerdms.com/OlympiaPD/tree/documents/1662358>.

would constitute a violation of department policy or of applicable federal, state, or local law, policy, or rule, or CJTC decertification/suspension/revocation criteria found in section 1010.16 of this policy. Personnel complaints may be generated internally or by the public.

- c. **Informal complaint-** A matter in which there is no expectation, from the complainant, that an investigation will occur, and the supervisor is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.
 - d. **Formal complaint-** A matter in which a supervisor or manager determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or the Professional Standards Unit, depending on the seriousness and complexity of the investigation.
 - e. **Wrongdoing** – (as defined in RCW 10.93.190 – Officer’s Duty to Intervene) means conduct that is contrary to law or contrary to the policies of the witnessing officer’s agency, provided that the conduct is not de minimis or technical in nature.) “Wrongdoing” – even if true - may or may not be determined to be misconduct pursuant to City of Olympia policies if such “wrongdoing” involves allegations that a City of Olympia officer violated the policy of a witnessing officer’s agency.
 - f. **Preliminary Investigation** – A cursory fact-finding activity where the Office of Professional Standards investigator or a supervisor seeks to determine if sufficient information exists before deciding whether or not an investigation is feasible or warranted.
- 2. Internal Affairs investigation reports must include the following information:**
- a. The date of the incident;
 - b. The name of the employee(s) involved;
 - c. The date the case was assigned;
 - d. The names and contact information for the complainants or affected individuals in the complaint;
 - e. A written report containing:
 - i. A concise but complete synopsis of the allegations;
 - ii. A narrative presenting the details of the investigation, including a chronological summary of the investigation, witness interviews, etc.;

- iii. The findings of fact - including, by numerical listing, a summary of the findings of fact, including citation of any violations of policy and/or law involved;
- iv. An investigator's log showing the dates and times of contacts and other key actions related to the investigation.
- f. Appendices containing:
 - i. Transcripts of interviews with the complainant(s) and key witnesses;
 - ii. Letters and written statements from employees, community members, and witnesses;
 - iii. Copies of all related reports;
 - iv. Copies of all memos or formal letters related to the investigation.
- g. Photographs, video tapes, audio tapes and other relevant supporting materials shall also be submitted with the final report;
- h. The date the final report is submitted;
- i. The name and signature of the assigned investigator.

At the conclusion of an investigation, the investigator will reach a finding in accordance with the Department's policies. The standard of proof for all internal investigations is by "a preponderance of the evidence." This is a lower standard than what a criminal case requires which is "proof beyond a reasonable doubt."

3. Complaint Dispositions

Each complaint shall be classified with one of the following dispositions:

- a. **No Finding** – When the investigation shows one of the two following conditions to be present:
 - i. The complainant failed/declined to disclose information to further the investigation.
 - ii. The allegations relate exclusively to another agency, and the complaint and/or the complainant has been referred to that agency.
- b. **Unfounded** - When the investigation shows that the alleged behavior did not occur or was patently false.
- c. **Exonerated** - When the investigation shows the alleged behavior occurred, but also shows such acts to be justified, lawful, and proper.
- d. **Not sustained** - When the investigation fails to disclose sufficient facts to prove or disprove that the alleged behavior occurred.
- e. **Sustained** - When the investigation discloses sufficient facts to prove the alleged behavior occurred.
- f. **Resolved** – Resolved may be used as a disposition for inquiries and informal complaints only.
- g. **Without Merit** – The Professional Standards Lieutenant, with approval of the Chief or Police or designee, may close an investigation if one of the following conditions are demonstrated:

- i. Positive proof (photos, video, audio tape, etc.) clearly establishes that the allegation is untrue; or
- ii. The facts indicate that the allegation is clearly inconsequential or frivolous and no tangible harm can be reasonably associated with the behavior; or
- iii. The facts indicate that the allegation was made maliciously and with wanton disregard for the truth; or
- iv. The complaint does not involve the Olympia Police Department or its employees.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall recommend appropriate action with regard to any additional allegations.

All investigations and findings are reviewed by the Professional Standards Lieutenant, the Chief of Police, and the Police Auditor. All Service Level complaint investigations must be completed within sixty (60) days from the date the case is received by the Department. All investigations into allegations of Serious Misconduct must be completed within ninety (90) days from the date the case is received by the Department, unless extended by the Professional Standards Lieutenant with the approval of the Chief of Police.

Any sustained complaint is referred to the employee's supervisor or manager for corrective action. The determination of corrective action is based on the severity and repetitiveness of the violation.

4. Corrective actions include the following:

- a. Counseling and coaching
- b. Oral warning
- c. Written warning
- d. Performance improvement plan
- e. Suspension without pay
- f. Reduction in pay or rank
- g. Last chance agreement
- h. Termination

OPS is responsible for managing the formal accountability system. OPS is managed by the Chief of Police. All records are tracked, stored, and maintained in the Department Records Management System (RMS). The Police Auditor also has independent access to the RMS database.

OPS provides all information regarding external and internal complaints about OPD employees to the Police Auditor on a weekly basis. When investigations involve highly sensitive or complex matters, several months may transpire between the date a complaint is filed and when it is complete and delivered to the Auditor for review. If the Auditor finds the Department's investigation is inconsistent with policy, the Auditor will notify the City Manager and the Chief of Police of their recommendations for further action.

V. OPD POLICIES REGARDING USES OF FORCE

The OPD Use of Force Policy contains many provisions and definitions that specify when and how officers may use physical force, particular law enforcement tools that may be used to compel people to cooperate, as well as detailed requirements regarding how uses of force must be reported.² OPD policies reflect and comply with applicable Washington State law as codified in the Revised Code of Washington (RCW), as well as standards set by state and federal law.

The Auditor is responsible for examining the records for compliance with all aspects of the Use of Force Policy. The policy provisions that are most pertinent for this purpose are as follows:

1. The term "force" in this context refers to physical force:

Any act reasonably likely to cause physical pain or injury or any other act exerted upon a person's body to compel, control, constrain, or restrain the person's movement. Physical force does not include pat-downs, incidental touching, verbal commands, or compliant handcuffing where there is no physical pain or injury (RCW 10.120.010).

Law enforcement officers must "use the least amount of physical force necessary to overcome resistance under the circumstances." (RCW 10.120.020(3)(b)).

2. Force is only allowed when it is necessary. Necessary force is defined as follows:

Under the totality of the circumstances, a reasonably effective alternative to the use of physical force or deadly force does not appear to exist, and the type and amount of physical force or deadly force used is a reasonable and proportional response to affect the legal purpose intended or to protect against the threat posed to the officer or others (RCW 10.120.010).

3. Prior to using force, when safe and feasible, officers are required to do the following:

- a. Identify themselves as law enforcement officers.
- b. Determine whether the person has a special need, mental condition, physical limitation, developmental disability, language barrier, or other

² The full policy may be found at <https://public.powerdms.com/OlympiaPD/tree/documents/1661374>.

factor that may impact their ability to understand and comply with officer commands.

- c. Provide clear instructions and warnings.
- d. Warn a person that physical force will be used unless their resistance ceases.
- e. Give the person a reasonable opportunity to comply with any warning.

VI. USE OF FORCE INCIDENTS JANUARY – JUNE 2024

The Auditor reviewed thirty-eight (38) use of force incidents that occurred in 2023.³ Each of the use of force incidents was subject to internal, multi-level review and the Department determined that the officers' actions were within policy.

The Police Auditor reviewed the files of every incident involving the use of force and examined the records to ensure the reports from officers and management were complete, thorough, objective, fair, and without bias. The Auditor also examined whether each use of force met Department standards regarding de-escalation efforts and whether the force used was lawful. The Auditor found that all of the use of force files demonstrated that the Department and its employees' actions were within policy.

1. Additional key data regarding the 38 use of force files is as follows:

- a. Types of Force Used⁴
 - i. Thirty-three (33) involved "Takedowns" by means of defensive tactics such as pain compliance techniques, control holds, and physical restraint.
 - ii. Two (2) incidents involved controlled holds to place handcuffs on subject.
 - iii. Two (2) incidents involved defensive knee strikes.
 - iv. One (1) incident involved the deployment of a Conductive Energy Weapon (CEW or CED Taser probes).
 - v. One (1) incident involved lifting the Subject to a standing position.⁵

³ The Police Auditor receives use of force files from the Department after the Department completes its internal, multi-level review of each incident. Because the complexity of the incidents varies widely, there may be a delay of one to six weeks between the date of an incident and the date the file is sent to the Auditor for review. Therefore, the number of incidents audited will be different from the actual number of incidents in any given timeframe.

⁴ There are 39 Types of Force noted in this Report, rather than 38, because, in one instance more than one type of force was used. The types of force are defined and described in more detail in the OPD Policy: <https://public.powerdms.com/OlympiaPD/tree/documents/1661374>.

⁵ In this incident, the Subject was seated in handcuffs and resisted officers' directives to stand up. An officer lifted the Subject's upper arm to bring them to a standing position. The BWC video showed the officer used the minimal

b. Subject Demographics⁶

- i. Twenty-three (23) incidents involved white male subjects.
- ii. Five (5) incidents involved White female subjects.
- iii. Six (6) incidents involved Black male subjects.
- iv. One (1) incident involved a Black female subject.
- v. One (1) incident involved an Asian male subject.
- vi. Two (2) incidents involved Hispanic male subjects.⁷

Subject's Age-Range	Number
14-17	2
18-29	9
30-39	11
40-49	13
50-59	3

c. Additional Key Data

- i. There were twice as many use of force incidents compared to the same period in 2023 (38 vs 19). The 2024 Annual Report will examine whether that trend continued and related factors and analyses.
- ii. None of the incidents led to serious injuries.
- iii. Twenty-five (25) of the incidents involved subjects who appeared to be mentally ill and/or impaired by alcohol or drugs and did not respond to de-escalation efforts.
- iv. Nine (9) of the incidents involved subjects who were unhoused.⁸
- v. Two (2) of the incidents involved 16-year-old males. This is a significant decrease in the trend observed in 2023, which involved nine (9) juveniles. The 2024 Annual Report will examine whether that trend continued and related factors and analysis.

force necessary. The Auditor notes that this type of act to compel would not be deemed a “use of force” by most law enforcement agencies.

⁶ Officers rely on their perceptions, subjects’ representations, and available records to discern subjects’ racial identities.

⁷ The current OPD records management system does not provide officers with the option of identifying subjects as Hispanic or Latino. In two incidents, the subjects were identified as white even though they spoke Spanish and had Latin surnames. The Department is exploring alternative systems that are more inclusive.

⁸ The number of unhoused subjects is likely higher. The OPD does not specifically record that data. The Auditor notes a person as unhoused when their address was recorded as “transient,” the subject asserted that they were “homeless,” or the incident circumstances demonstrated that the person was sleeping at a shelter or in a non-permanent structure like a tent or car.

2. August 22, 2022, Critical Use of Force

The Police Auditor reviewed the City of Olympia Use of Force Review Board (UFRB) investigation and findings related to the August 22, 2022, officer involved shooting of Timothy Green. Parts of the investigation file were reviewed throughout 2024, culminating with the UFRB Report, which was finalized on September 19, 2024. In accordance with the Auditor's recommendation that audits of such matters are reported as early as possible, it is included in this Report.

The involved officers' conduct was found lawful and justified by the Capitol Metro Independent Investigation Team (CMIIT) and the Clark County Prosecutor. The UFRB concurred, finding the officers' actions were within Department policy and training. The Auditor reviewed all of the records and found that the UFRB investigation was thorough, fair, and met Department Standards.

Additionally, the Police Auditor notes that the UFRB, consisting of a chairperson and seven members, made several recommendations regarding potential enhancements to OPD's policies, procedures, trainings and equipment. As of the date of this Report, the Auditor has not had an opportunity to discuss the Department's response to the recommendations. The Auditor will explore those matters with the Department and report on them in the 2024 Annual Report.

Meanwhile, the Auditor concurs with a recommendation put forward by the UFRB:

Board members recommend OPD explore verbal de-escalation training. The training should have an emphasis on communicating with community members experiencing a behavioral health crisis.

Board members further recommend OPD evaluate whether the skills officers learn during their academy training is sufficient, in both quality and volume compared with total volume of academy training, to enhance communication and verbal de-escalation during a crisis, and offer more training accordingly.

VII. KEY TRENDS AND PATTERNS

As noted above, the first six months of 2024 saw a significant rise in use of force incidents and a sharp decrease in the number of juveniles involved in such incidents, compared to 2023. Because this is only six months of data involving statistically small numbers, the Auditor is continually tracking these trends and will address the full year's data in the 2024 Annual Report.

A. The Majority of Arrests Necessitating Uses of Force Involved Individuals Who Exhibited Mental Impairment

As in previous reporting periods, the Auditor observed that the majority of the incidents where officers used force to subdue and arrest individuals involved subjects who were suffering from mental illness and/or severely impaired by drugs or alcohol. In the first six months of 2024, there were twenty-five (25) such individuals, six (6) of whom were unhoused. Additionally, there were two (2) use of force incidents involving 16-year-old subjects who are presumed to have undeveloped reasoning and emotional skills. The records show that those twenty-seven (27) individuals did not respond to officers' de-escalation efforts, nor did they comply with orders to cease conduct that posed serious dangers to themselves and others.

The records of these encounters show that the OPD called for Crisis Response Unit (CRU) assistance in appropriate circumstances and that the officers refrained from intervening until multiple officers and CRU professionals arrived. However, in many instances, CRU involvement was not an option because there was an active threat of injury to a subject or others.

Accordingly, it is of paramount importance that the Department continue to invest in training and resources that assist in identifying people in crisis and the de-escalation techniques that are most effective with people who are mentally impaired due to mental illness, substance abuse, developmental stage, or other crisis circumstances. This type of training continues to be a priority for the Department and is embedded into their annual training plan.

B. The Adoption of Body Worn Cameras Enhances Transparency

As noted in previous Auditor reports, the Department has greatly enhanced its transparency and accountability through the adoption of body worn cameras (BWC) since November 2022. Officers must activate their BWCs during all law enforcement functions unless it would jeopardize their safety. To the extent feasible, officers must inform all persons whom they encounter that an audio and video recording is being made. BWC video must be uploaded in the Department video storage system and documented in related reports.

The OPS and the Auditor review the BWC video related to all use of force reports and misconduct investigations. This equipment enhances the Department's reporting, transparency, accountability, opportunities to learn, and capacity to capture criminal acts and information relevant to prosecutions. Department supervisors and the Auditor are able to see and analyze officer conduct, the conduct of others, uses of force, and surrounding circumstances in great detail. Furthermore, the Auditor is able to observe officers' interactions with each other and members of the community in order to discern broadly whether officers are performing their duties without bias and in ways that protect civil rights and meet best practices.

Additionally, in 2024, the Department agreed with the Auditor's recommendation that officers should refrain from muting their BWC audio except under very rare circumstances. The Department is addressing the Auditor's recommendation to revise the BWC policy to prohibit BWC muting in its ongoing bargaining between the City, the Officer's Guild and the Sergeant's Association. Meanwhile, the Chief of Police directed staff to restrict muting their BWC audio for operational purposes, and the Auditor has observed that officers are complying with that order.

Specifically, the BWC footage reviewed by the Auditor in recent months seldom includes any instances of officers muting their audio. As noted in previous Auditor reports, when officers mute their audio the Auditor cannot observe whether or not potentially relevant information is lost, which undermines the goals of transparency and accountability. The Auditor's ability to review the totality of the circumstances surrounding use of force incidents is greatly enhanced when officers' BWC are fully activated throughout the entirety of their law enforcement functions.

C. There Was No Evidence of Racial Bias in the Use of Force Files

The 10 incidents where officers used force to arrest people of color were thoroughly scrutinized by the Auditor and found to have been justified and within policy. There was no evidence that the officers' interactions with those individuals differed from their interactions with white subjects.

Furthermore, the records involving people of color were typically more detailed and more thorough than reports regarding white people. The records contained detailed descriptions of de-escalation efforts and often involved other law enforcement agencies, CRU personnel, and statements from witnesses who saw the uses of force. Collectively, the records indicate that OPD officers are attentive to their need to demonstrate the utmost care in their interactions with marginalized people and their willingness to have such interactions scrutinized.

As noted above, the addition of BWC video provides exceptional visibility into the totality of officers' interactions, including tone of voice, body language, and officers' conversations with other officers, witnesses, victims and bystanders. Any unprofessional conduct, biased or discriminatory language, or microaggressions would be observed.

- 1. The following are some of the specific, potential indications of bias or misconduct that the Police Auditor looks for:**
 - a. Failure to timely engage in procedural justice steps
 - b. Interrupting subject
 - c. Profanity directed at subject
 - d. Derogatory language, slurs, or offensive terminology
 - e. Argumentative vs. de-escalating language
 - f. Aggressive/intimidating tone of voice outside of giving necessary commands
 - g. Aggressive body language in the absence of threats or resistance

The Auditor acknowledges serious and legitimate concerns about potential racial bias in policing. Here, seven (7), or 18% of the thirty-eight (38) use of force incidents in 2023 involved Black individuals; yet the most recent available census data states only 3% of Olympians are Black. This disparity warrants scrutiny.

However, this data set of seven files is not sufficient, on its own, to provide meaningful quantitative analysis. It is well established by criminologists and social scientists that population benchmarks (comparing a group's population to its representation in law enforcement encounters) is not a legitimate measure of racial bias in policing. This is because there are numerous social, historical and structural dynamics that unequally contribute to rates of poverty, substance use disorders, mental illness, access to education, healthcare and housing – all of which can disproportionately affect one's likelihood of encountering law enforcement.

Therefore, a meaningful examination into whether officers' racial bias contributed to disparities in law enforcement interactions requires a complex analysis of demographics related to who initiated the crime reports, the types of crime reported, police responses to the reports, police-initiated interactions, rate of arrests, whether officers had discretion to make arrests, and comparisons with incidents that do not result in arrests.

D. The Department is Receptive to Scrutiny and Recommendations for Improvement

Throughout the year, the Auditor has met with Department leadership to discuss observations such as those above. The Police Auditor has found the Department to be very responsive, cooperative, and welcoming of the Auditor's inquiries, feedback and recommendations.

A key example is the OPD's responsiveness to the Auditor's request for additional information regarding the involvement of crisis response professionals in use of force incidents. Supervisors are now including notes reflecting when a member of the Crisis Response Unit (CRU) or a Designated Crisis Responder (DCR) is on scene during a use of force, which enables the Auditor to track that data. The Department has also provided the CRU Manager's quarterly reports and related information that enables the Auditor to better understand how these teams are working together and whether changes to policies or procedures could enhance OPD's interactions with individuals in crisis.

On a related note, some of the UFRB recommendations pertain to potential changes to policies, procedures and trainings between officers and CRU. The Auditor will discuss these with the Department and report on them in the 2024 Annual Report.

VIII. MISCONDUCT COMPLAINTS AND INVESTIGATIONS

The Auditor reviewed two (2) completed investigations into allegations of misconduct by OPD employees in the first six months of 2024. This represents a substantial decrease in misconduct complaints, compared to 2023, in which there were eight (8) in the first six months. The investigations were found to be thorough, objective, free of bias, and consistent with OPD policies. There were no sustained complaints of officers engaging in serious misconduct such as excessive use of force or civil rights violations.

One investigation originated with a complaint that, in a court proceeding, an officer made false or misleading statements. The Department opened an internal investigation and thoroughly reviewed the officer’s record and performance. The Department sustained a finding of Unsatisfactory Work Performance and determined the allegations of false or misleading statements were Unfounded. The Department documented that the officer’s performance was inadequate due to a lack of training and experience. Appropriate training and support was assigned and completed.

The other investigation involved complaints from community members who saw what they perceived to be poor performance by OPD officers as depicted on YouTube. The Department thoroughly investigated the related incident, examined extensive BWC footage, found the YouTube videos were highly edited and misleading and that there were no policy violations. The investigation was determined “Resolved” following that review.

2023 Misconduct Complaint and Investigation Summaries

	Record #/ Date Filed	General Description	Investigative Findings	Corrective Actions	Police Auditor Findings
1	1119 01/10/2024	Dep. Prosecuting Atty complained officer made contradictory statements in testimony.	Sustained Unsatisfactory work performance. Unfounded re false, misleading or malicious statements.	Documented finding that officer’s performance as court witness was inadequate due to lack of training and experience. Appropriate training and support was assigned and completed.	Met Department standards.
2	1120 05/13/2024	Community member emails alleged officers should have arrested individual based on their views of edited YouTube video.	Resolved through inquiry.	N/A	Met Department standards.

IX. PUBLIC DEMONSTRATION RESPONSES IN 2023

The Auditor reviewed the OPD's responses to two public demonstration events in the first six months of 2024. The Auditor found that the Department's crowd management plans and responses were consistent with the Department's First Amendment Assemblies and Crowd Management Policy and there were not any indications of bias.

X. TRAININGS

The Auditor reviewed the OPD's trainings and policies related to uses of force, anti-discrimination, crisis response, de-escalation, and BWC use. The Auditor found the Department was complying with or exceeding applicable training laws and policies.

XI. RECOMMENDATIONS

Throughout 2024, the Police Auditor communicated with the Department, the Social Justice and Equity Commission, and the City Council regarding ways the OPD could enhance the transparency, accountability and efficacy of the Department. These matters have resulted in the following recommendations.

1. **OPD Should Enhance Training Aimed at De-escalating Individuals Who are Mentally Impaired**

As discussed in Section VII A of this Report, twenty-seven (27) of the individuals involved in use of force incidents appeared to be mentally impaired due to mental illness, substance abuse, the developmental constraints of adolescence, or a combination of those factors. The BWC footage of those incidents showed that those individuals did not respond to officers' de-escalation efforts, nor did they comply with orders to cease conduct that posed serious dangers to themselves and others.

Although there is no de-escalation technique that is guaranteed to be effective in every situation, there is always room for improvement. Minimizing the instances where an arrest involves force must be a priority in order to serve the goals of public safety, officer safety, and community caretaking. The OPD has demonstrated its commitment to this type of training and incorporates de-escalation skills through many of their trainings.

Accordingly, the Auditor recommends that the OPD explore what additional resources are available and needed to ensure that officers receive more training, particularly in verbal de-escalation. As stated above, this echoes the recommendation put forward by the UFRB:

Board members recommend OPD explore verbal de-escalation training. The training should have an emphasis on communicating with community members experiencing a behavioral health crisis.

Board members further recommend OPD evaluate whether the skills officers learn during their academy training is sufficient, in both quality and volume compared with total volume of academy training, to enhance communication and verbal de-escalation during a crisis, and offer more training accordingly.

2. OPD Should Continue Seeking Ways to Track and Analyze Coordination with Crisis Responders

As noted above, the OPD has begun to systematically track the presence of CRU and DCR professionals who are on scene during use of force incidents. The Auditor recommends that the Department make doing so an official practice that can be tracked. The Auditor further recommends that involved CRU members submit reports of their conduct and observations regarding de-escalation efforts and the uses of force. Together, these practices will likely provide constructive information regarding effective de-escalation tactics and opportunities for CRU and officers to learn and improve.

Finally, the Auditor notes that the UFRB made related recommendations that should be explored.

XII. CONCLUSION

The Department's uses of force and investigations of complaints in the first six months of 2024 all met Department standards, were free of bias, and complied with best practices as defined by the City of Olympia's values and applicable authorities. Furthermore, the Department has consistently demonstrated a commitment to transparency through its use of BWCs and cooperation with the Police Auditor.

The Police Auditor also found the City of Olympia's Use of Force Review Board's investigation regarding the officer-involved shooting of Timothy Green on August 22, 2022, finding the officers' actions were within Department policy and training, met Department standards. The Police Auditor found the UFRB investigation was thorough and fair, and that the Board members made several recommendations regarding potential improvements to policy, procedure, training, and equipment that warrant consideration moving forward.

The Auditor concurs with the UFRB's recommendation that the OPD seek resources to enhance officer's verbal de-escalation training. The Auditor also recommends that OPD should continue seeking ways to systematically track and analyze its coordination with CRU.

In closing, the Police Auditor continues to be honored to work with the City Council, the City Manager, the Olympia Police Department, and the many Olympia community members who are working to make Olympia a safe, inclusive, and wonderful place to live, work and visit.