



City Council

Approval of an Ordinance Amending Olympia Municipal Code Chapter 2.38 Related to the Police Auditor

Agenda Date: 3/1/2022
Agenda Item Number: 4.1
File Number:22-0039

Type: ordinance **Version:** 2 **Status:** Passed

Title

Approval of an Ordinance Amending Olympia Municipal Code Chapter 2.38 Related to the Police Auditor

Recommended Action

Committee Recommendation:

The General Government Committee met on October 27, 2021, and unanimously approved forwarding to the full City Council a recommendation to modify the duties, responsibilities, and scope of work of the Police Auditor and to renew the contract with Ogden Murphy Wallace.

City Manager Recommendation:

Move to approve the Ordinance Amending OMC Chapter 2.38 related to the Police Auditor on second reading.

Report

Issue:

Whether to approve the Ordinance Amending OMC Chapter 2.38 related to the Police Auditor on second reading.

Staff Contact:

Debbie Sullivan, Assistant City Manager, 360.753.8499

Presenter(s):

Debbie Sullivan, Assistant City Manager

Background and Analysis:

Background and Analysis has changed from first to second reading.

On February 8 Council approved the ordinance on first reading. The following changes have been made to the ordinance coming before the Council on second reading:

- 2.38.070 Duties and Responsibilities Section B was updated to reflect the Auditor's review and

reporting on all uses of force, complaints, and internal misconduct investigations to determine if they are consistent with Police Department policies, without indication of bias, protect civil rights, and are in alignment with best practices.

- 2.38.070 Duties and Responsibilities Section D was updated to clarify when the Auditor will review the Police Department’s response to public demonstrations and crowd control. The language “act of violence” was replaced with “serious physical injury” to provide a more precise legal definition.
- 2.38.080 Reporting Section A.3 was updated to add language stating the Auditor’s report shall not contain the names of employees, complainants, or witnesses.

On September 20, 2002, City Council approved Ordinance No. 6220, which added to the Olympia Municipal Code a new Chapter 2.38 - Police Auditor (OMC 2.38). The stated purpose of the Police Auditor is to “provide an independent review and audit of investigations of complaints about the Police Department and/or its employees” in order to increase public trust and confidence in the professional accountability systems of the Police Department.

OMC 2.38 states that City Council selects the Police Auditor and may do so under a professional services contract. OMC 2.38 also specifies the term of service and qualifications, as well as the duties and responsibilities of the Police Auditor. In compliance with OMC 2.38, the City Council retained their first Police Auditor on January 28, 2003. A Police Auditor was in place every year until 2009. Due to the Great Recession, the funding was cut starting in 2010.

During the 2020 budget process, Council passed Ordinance No. 6220, reinstating the Police Auditor with the understanding that future updates to OMC 2.38 would be considered and evaluated before hiring the next Police Auditor. The General Government Committee met on October 27, 2021, to evaluate the duties and responsibilities of the Police Auditor. The Committee unanimously approved forwarding the recommended changes to OMC 2.38 to the full Council before entering into a new contract for Police Auditor services. In summary, the changes address the following:

- Review of the Police Department’s response to public demonstrations and crowd control when an event results in an act of violence.
- Clarification on the Police Auditor’s review of and recommendations to policies, procedures, and training based on audit findings.

If Council approves the proposed amendments to OMC 2.38, staff will bring a contract to Council at a future meeting for their consideration. The General Government Committee unanimously approved continuing to contract with Ogden Murphy Wallace.

Neighborhood/Community Interests (if known):

Transparency and accountability of the Olympia Police Department are a high priority for the community. Police Auditor services are one way for the City to ensure that the Olympia Police Department’s professional standards, internal investigations, and complaint processes meet best practices.

Options:

1. Approve the Ordinance Amending OMC Chapter 2.38 to reflect changes to the Duties and Responsibilities of the Police Auditor on second reading.
2. Direct staff to make changes to the Ordinance Amending OMC Chapter 2.38 based on Council feedback and forward to a future meeting for second reading.
3. Do not approve the Ordinance Amending OMC Chapter 2.38.

Financial Impact:

Council appropriated \$100,000 in the 2022 Operating Budget for Police Auditor Services.

Attachments:

Ordinance (Second Reading)

Ordinance (First Reading)