

Police Civilian Review Panel and Office of the Independent Police Auditor

June 22, 2019

Fairfax County Government Center, Conference Room 9/10

Training Summary

Panel Members Present:

Hansel Aguilar (arrived at 8:25 a.m.)

Jimmy Bierman

Bob Cluck

Hollye Doane, Panel Vice-Chair

Doug Kay, Panel Chair

Shirley Norman-Taylor

Anna Northcutt

Rhonda VanLowe

Panel Members Absent:

Colonel Greg Gadson

Others Present:

Gentry Anderson, OIPA

Brian Corr, NACOLE, President

Second Lieutenant Dana Ferreira, FCPD

Camme McElhiney, NACOLE, Director of Training and Education

Rachelle Ramirez, OIPA

Richard Schott, Independent Police Auditor

Lindsey Smith, Chief of Staff for Supervisor Cook

Adrian Steel, Member of the public and former Panel Member

The training session was called to order at 8:00 a.m.

Mr. Schott welcomed attendees to the National Association for Civilian Oversight of Law Enforcement (NACOLE) Training session and introduced Brian Corr, President of NACOLE, and Camme McElhiney, Director of Training and Education for NACOLE. Mr. Corr and Ms. McElhiney reviewed the training agenda with attendees and provided an overview of civilian oversight of law enforcement.

The following captures the key questions and discussion during the training:

Mr. Kay: Do you have any suggestions on how to carry out oversight in an effective and meaningful manner? Ms. McElhiney replied that during outreach events, it is important that Panel Members listen to the community group's concerns and issues so that they are heard. She also suggested that the Panel conduct targeted outreach efforts by attending events and meetings hosted by community groups rather than inviting community groups to attend Panel meetings and events.

Ms. VanLowe: The Panel has considered hosting targeted topic community engagement events. What are some additional topics the Panel could consider? Ms. McElhiney said that many jurisdictions have had success in hosting "Know Your Rights" trainings targeted towards the youth community and on police department policies and procedures. She said that the Panel should take the opportunity to show that it is an information center and resource for the community.

Mr. Aguilar: How is building trust in relationships measured? Ms. McElhiney replied that there is no perfect measurement and that this is a question many agencies struggle to answer. However, she told the Panel that it can be measured internally by collecting data from the community to see how the Panel is perceived.

Panel Members discussed the FCPD's verbal feedback on Panel comments and recommendations made in review reports. Ms. McElhiney suggested that the Panel ask to receive the FCPD's feedback in writing and make it available to the public. She emphasized the importance of the Panel being consistent in its practices to build legitimacy.

The attendees took a break from 9:30 a.m. to 9:45 a.m.

Mr. Corr and Ms. McElhiney presented slides on effective practices in conducting and reviewing investigations.

Panel Members noted that they were all unpaid volunteers and that the work of the Panel is very demanding. Ms. McElhiney assured them that NACOLE is a resource that the Panel can continue to use after the training. Panel Members expressed interest in joining the NACOLE listserv.

Mr. Kay: Is there a national standard for assessing the completeness of investigations? Ms. McElhiney agreed to send the Panel a checklist NACOLE developed for reviewing investigations. Mr. Bierman suggested that when the Panel receives the checklist from NACOLE, it should be tailored to the Panel's specific needs and that the FCPD should be consulted. Ms. Doane thought it would be helpful for Panel Members to have a checklist with them while reviewing the FCPD Investigation files.

Ms. VanLowe: What are the best practices for oversight of anonymous complaints? The Panel's Bylaws require complaints to include some type of identifying information. Ms. McElhiney replied that agencies handle anonymous complaints differently. She emphasized the importance of explaining to a complainant the limitations of submitting an anonymous complaint.

Mr. Aguilar: How can the Panel make recommendations to the FCPD when the Panel does not currently have enough complaint data to find trends? Ms. McElhiney noted that other Panels handle this by asking the Auditor to look into past similar complaints or having a public discussion with the police department about the topic to give them a voice. Also, she reminded the Panel that not all recommendations made to the police department need to be implemented for the Panel to feel successful because the process of making recommendations gets the police department, the Board of Supervisors, and the community to engage in the oversight process.

Ms. VanLowe: When is it appropriate for staff or Panel Review Liaisons to contact the complainant? Do other oversight agencies engage with complainant to clarify aspects of the complaint without investigating? Ms. McElhiney replied that in most cases, it is written into the enabling ordinance of the oversight agency and that the Panel should consult with counsel about their limitations in discussing complaints with complainants.

Mr. Kay: The last few investigations the Panel has reviewed, the FCPD has obtained a legal opinion from the Office of the County Attorney and the Office of the Commonwealth's Attorney. Is there any precedent for independent legal analysis to be sure the Panel receives an impartial analysis? Ms. McElhiney replied that the Panel should seek independent counsel. She mentioned that the City of

Miami's oversight board is a great example because they have independent counsel that has experience working with police departments and oversight agencies.

Panel Members expressed interest in viewing the NACOLE Interview Techniques Webinar.

The attendees took a break from 11:50 a.m. until 12:30 p.m. for lunch.

The presenters next addressed the topics of community outreach and engagement; recommended reporting practices; and minimum training standards.

Ms. VanLowe: How do other oversight agencies conduct public comment? Ms. McElhiney replied that it is conducted in different ways and that most agencies put parameters on the amount of time designated to speakers. She said that all oversight agencies desire an open and transparent process. Mr. Corr added that the public comment period is not a conversation piece, but it is a space that allows people to express their concerns and engage in the process.

The Panel discussed implementing a public comment period at future meetings. Mr. Smith said that the Board of Supervisors' concern with public comment is that complainants could come forth on the record with their complaints and name involved officers.

Mr. Bierman: What types of groups should the Panel engage and how should the Panel break down barriers with community groups skeptical of the Panel and its work? Ms. McElhiney replied that engagement cannot be forced upon groups. She also reminded the Panel to not place limits on the types of groups they try to engage. She suggested creating an environment where everyone feels welcome and that is conducive to open dialogue and respect. Mr. Corr asked the Panel to think about the active community groups within the county.

The Panel discussed conducting targeted outreach to FCPD officers and filming a video about the Panel that could be played at the training academy or at roll calls.

Ms. Doane said that a former Panel Member took the lead in organizing the Panel's community outreach. Ms. McElhiney told the Panel that they should see their role as a "community conduit", transferring information from one community segment to another.

Ms. VanLowe suggested surveying the community about the Panel. Ms. McElhiney referenced a community survey conducted by the oversight agency related to the Bay Area Rapid Transit (BART) and that a survey like this is great to find out who in the county is aware of the Panel's existence but it is not a great method to measure effectiveness.

Mr. Aguilar: Would a relationship with the media enhance the Panel's legitimacy? Ms. McElhiney replied that a well-intentioned relationship with the media is helpful so that they are aware of the scope of the work the Panel conducts.

Mr. Kay: Is it suggested that the Panel proactively reach out to the media? Ms. McElhiney replied that the Panel should seek off record interactions to introduce the Panel's work to the media.

Ms. VanLowe reminded the training attendees that the Panel has been featured on some of the Board of Supervisors' Channel 16 cable shows. Mr. Smith suggested that the Panel reach out to other members of the Board of Supervisors who have cable shows for additional engagement opportunities.

Ms. McElhiney announced that NACOLE will be hosting a regional training in Washington D.C. on Friday, November 15, 2019. Ms. VanLowe asked for this opportunity to be advertised on the Panel's website.

Mr. Kay told the Panel that they should formulate minimum training standards to follow and emphasized the importance of ride alongs. He reminded the Panel that the FCPD will be providing training to the Panel in the fall.

The training session was adjourned at 3:55 p.m.