

Ad Hoc Police Practices Review Commission
Independent Oversight and Investigations Subcommittee
May 19, 2015, 7:30PM
Board Conference Room, Fairfax County Government Center

Meeting began at 7:30 pm.

Subcommittee members present:

Michael Kwon
George Becerra
David Stover
Nick Beltrante
Robert Horan
John Wallace
Bob Callahan
John Lovaas
Jack Johnson
Sal Culosi
Marc Harrold
Jeff Stewart
Adrian Steel
Sally Determan
Ben Getto
Robert Sarvis

Subcommittee members not present:

Sean Corcoran
Robert Kane
Robert Ross
James Stewart

Others in attendance:

Clayton Medford
Matthew Graham
Katie Boyle
Cody Claxton
Anita Culosi

Jack Johnson: intro of members

George: Question: Can meetings be recorded?

Clayton: Briefing on VFOIA

3 or more members = meeting

3 or more emails = meeting

Records need to be retained for duration of committee

Provide any information to be distributed and included on committee discussion to Clayton in advance

Johnson: Refer to April 13 document

Sal Culosi: Question origin of document

Johnson replied: Provided by Chair of Committee

Sal Culosi:

- View is need an independent review from his experience.
- Officers rarely get indicted
- Need an independent panel
- Too many people at table with perception that no panel is needed.

Mr. Becerra: suggestions about panel

Mr. Johnson: No assumption that panel is or is not needed.

John Lovaas: Whatever is going to work- needs to be from consensus

- Respect various opinions

Johnson: Seek perspectives from all

Robert Sarvis: Spoke about scope of committee- negated inclusion of surveillance topics

Mr. Steel: What is scope- Suggested that amend and seek approval.

Mr. Johnson: Does each member get a time limit?

Mr. Sarvis: What is harm of oversight committee?

Mr. Lovaas:

- Relationship with police in Reston
- Experience is uniformly excellent
- Appalled by lack of transparency
- Believes oversight would be good

John Wallace:

- More info in FCPD cases- than what we see in D.C.
- No circling the wagons

- Needs to maintain some information confidentially to preserve case
- Use of sting rays_etc.- requires warrant
- Speaking from his experience as an investigator

Beltrante: Why has no officer ever been charged in a shooting incident?

Horan:

- Background of homicide investigations in 1967
- Recalling DA Frank Hogan — NYC — formed own investigative unit
- Questions in his career- Should he have own investigators?
 - Do you need it?

Horan:

- If there came a day where FCPD couldn't or wouldn't do the job- he would go outside.
- Top notch investigative people — Never a time they didn't do what he asked them to do.
- Absolutely satisfied with their investigation
- Can't find an improperly investigated homicide.
- Is there a need? — Buck stops with Commonwealth's Attorney
- Can he convict — yes or no. If no — don't charge.

Mr. Steel: Would an oversight board cause a concern — What harm would it be?

Beltrante: Citizens must have a voice

****Read statement to be provided to Mr. Medford****

David Stover:

- Briefly spoke about his on-duty killing with U.S. Park Police
- Saturday night shooting
- Sunday — name in paper
- Why in this case (Geer) does a file get with-held
- Why so long to release?

→Reviewed NYC policy→

➔ Full-Time Board in NYC

→ Maybe Commonwealth's Attorney needs own investigators

Michael Kwon:

- Has heard argument for citizen review board
- But has heard from others that are very opposed
- How are we going to proceed — Set up guidelines
- Decision by vote

George Becerra:

- Trying to build consensus
- Suggests getting more citizen input what do they want to do?
- Avoid this being a political event
- Set realistic expectations for product — Why rush to get this done by July — Extend to December
- Systematic look
- A lot of passion- but passion on both sides. Those with opposite views can lose point greater than others
- What is the law? Can crime be investigated by independent investigator?

Sal Culosi:

- His case may represent the 2% of bad.
 - Agree can't prosecute case
 - In his case — immediately was ruled an accident
 - Believes it was something other than an accident.
 - 6 hours to get to the house
 - Civil servant modeled what he believed to be incredulous that it was an accident.
 - No one saw what happened to him except the shooter
 - Hard to believe
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Sally Determan:

- Need pros and cons of review board
- Requests — How internal affairs works — What are use of force guidelines?

- But is there a skepticism about the FCPD — Compared to other community
- What is cost of independent investigators?
- Why suggest skepticism if it's not there?
- Do we have a mega problem or a mini problem?

Adrian Steel:

- The past CIB and IA presentation is on tape — Suggest Ms. Determan view it.

2013 Audit- 250 use of force investigations

11 were sustained
(on website)

Jeff Stewart:

- When citizens see need to pronounce support of police.
- Open-mind
- Is there a need — People have a right to transparency
- Perception of the people — same as reality
- Geer investigation

Re: Det. Chris Flanagan who presented at April 27 Ad Hoc Commission meeting:

- He admired the investigation
- Must have been frustrating for him to see CA and CWA held up the process.
- Not about Geer or Culosi — implement policy that will help
- Why be against it?
-It's not undoable — maybe it's a combo of policies.

→ Committee: should review anything that rises to the level of criminal.

- Oversight of some type is needed.
- Suggests OS Committee review facts
- On other level of scrutiny
- Recounts his conversations with Flanagan
- Lack of transparency

Re: Investigation by independent agency

- Wisconsin- statewide process

→VSP investigate the shooting

-Can other jurisdictions investigate?

Ben Getto: Works at DOE — Nuclear safety

-DOE has 7 oversight boards

-The oversight now — what should it look like

Marc Harrold:

-Past with City of Atlanta Police

-While he was there they knew Fairfax County Police was good and well equipped.

-In this case: police caught off guard — Maybe never have handled it

-In Mississippi — many small depts. — they need outside help

-But need to find justice

-Stonewalling has allowed them to percolate

-Work from need — what satisfies the need

Johnson:

-The issues being addressed by the committee touch on the sub-committee

-Need to do something- But what is the scope

-Issues- Communication to families

-Does Police Department need its own attorney?

Johnson Cont'd:

-What is the balance?

-Independent auditor to review

-Horan has been satisfied

-CWA- hire an investigator when needed

-Transparency- Chief- brief citizens on status

-What is reasonable and fair?

Mr. Steel: Use of force committee- information from Police Department

Johnson:

-All members review the scope document

-Provide comments to Clayton by COB Tuesday, May 26

Johnson to report to Hershman:

-Clarity on scope

-Need data

-Hear from Ray Morrough

-Chief of Police

-Speaker from D.C. or Prince George's County — oversight boards

Mr. Kwon:

-How to reach a decision and consensus

-Bring up some models

-Vote

Clayton:

-Report back from the committee September 28 to Commission.

Minutes prepared by subcommittee member Bob Callahan