



## APPLICATION FORM

All applications must include the following information. Separate applications must be submitted for each eligible program. **Deadline: June 2, 2017.** Please include this application form with electronic entry.

### PROGRAM INFORMATION

County: FAIRFAX COUNTY

Program Title: CIVILIAN OVERSIGHT OF POLICE DEPT.

Program Category: CRIMINAL JUSTICE & PUBLIC SAFETY

### CONTACT INFORMATION

Name: CLAYTON MEDFORD

Title: CHIEF OF STAFF

Department: OFFICE OF CHAIRMAN SHARON BULOVA

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### SIGNATURE OF COUNTY ADMINISTRATOR OR CHIEF ADMINISTRATIVE OFFICER

Name: ED LONG

Title: COUNTY EXECUTIVE

Signature: *Edward L Long*

# Fairfax County Civilian Oversight of Police Department

## **Overview**

The Fairfax County Police Department has served and protected the Fairfax community for over 75 years, earning a name for itself as one of the top public safety departments in the region and the country. As part of their commitment to excellence, the Fairfax County Board of Supervisors and Police Department have consistently looked for ways to better serve the community and maintain a high level of public trust and confidence. Following a controversial officer-involved deadly shooting in 2013, the Board of Supervisors decided to take a hard look at the way Fairfax County handled use of force and the release of information to the public.

In 2015, Chairman Sharon Bulova created the Ad Hoc Police Practices Review Commission, a Board-appointed Commission of almost 40 members which recommended over 200 changes to the way law enforcement does its job in Fairfax County. Throughout 2016, the Board of Supervisors, the Police Department, and their partners in public safety and human services worked diligently to implement the Ad Hoc Commission's recommendations. By the end of 2016, the Board had approved 88% of the recommendations. Two key recommendations stand out for recognition: the establishment of an Office of the Independent Police Auditor and the creation of a Civilian Review Panel, two layers of civilian oversight not present in Fairfax County.

## **The Challenge and Solution**

Chairman Sharon Bulova established the Ad Hoc Police Practices Review Commission on March 3, 2015. The Commission brought together community leaders, citizens, police and legal representatives, academics, media representatives, and County staff to review current police practices and offer recommendations to Fairfax County. Their final report, issued in October 2015, consisted of over 200 recommendations related to its five subcommittees: Use of Force; Communications; Mental Health and CIT; Recruitment, Diversity and Vetting; and Independent Oversight and Investigations.

A core element of the Ad Hoc Commission's work was building more trust between the Police Department and the communities it serves. Following a controversial officer-involved deadly shooting of John Geer, trust between FCPD, and County government as a whole, and the public had eroded. Rebuilding and strengthening that bond required a greater focus on transparency, through improved communications policies and greater access by the public to information typically withheld by law enforcement. In order to accomplish this new level of transparency while remaining sensitive of the needs of the justice system to control the flow of information related to criminal matters, the Commission examined what other jurisdictions across the country were doing in terms of civilian oversight. Civilian oversight, in theory, allows the public greater access to sensitive information through an impartial entity (inspector general, police monitor, civilian oversight panel, etc.) without interfering with criminal investigations. The Commission found over 200 examples of oversight in the U.S., and were told by the National Association for Civilian Oversight of Law Enforcement (NACOLE) that there is no one-size-fits-all model for oversight.

The Commission ultimately determined that two levels of civilian oversight would be appropriate for Fairfax County. Therefore, the Commission recommended the Board of Supervisors establish an Office of the Independent Police Auditor (IPA) and a Civilian Review Panel (CRP). The IPA will review cases involving uses of force including officer-involved shootings, while the CRP will review investigations of citizen complaints of abuse of authority and serious misconduct.

The IPA will: monitor and review internal investigations of Fairfax County Police Department officer-involved shootings, in-custody deaths and use of force cases in which an individual is killed or seriously injured; request further investigation if the auditor determines that an internal investigation was deficient or conclusions were not supported by the evidence; issue a public report for each reviewed internal investigation; review all resident complaint investigations of alleged excessive or unnecessary force by officers; and produce annual reports analyzing trends and recommending improvements.

The CRP: will request and review completed administrative (non-criminal) investigations of civilian complaints against officers; hold public meetings regarding these reviews; issue annual reports regarding its work. While the functions are different, the goal of the IPA and CRP are the same: to build trust between the Fairfax County Police Department and the communities it serves.

## **Innovation**

The high level of public engagement since the completion of the Commission's work is unique. Following the completion of the Ad Hoc Commission's report in 2015, a group of Commission members primarily consisting of the subcommittee chairs remained fully engaged with the Board of Supervisors, the Police Department, the Community Services Board, and key members of County staff during the first year of implementation. This engagement brought yet another layer of transparency and accountability to the oversight efforts. While not all those involved agreed with every aspect of the implementation, and some recommendations were modified based on the Board of Supervisors' deliberations, this implementation committee was able to directly shape the outcome and remains supportive of the new IPA and CRP. In fact, two members of the implementation committee now serve on the CRP, one as its inaugural chair. The public at-large is kept abreast of the implementation of the Commission's work through an online progress report, and the status of each recommendation is changed only following consensus with the implementation committee.

<http://www.fairfaxcounty.gov/policecommission/progressreport.htm>

The specific functions and processes of the IPA and CRP continue to evolve, shaped by input from the newly hired Auditor and the appointed members of the CRP. This will continue, particularly at the CRP, as the group reviews individual cases and receives input from the community through regular public meetings. Both the CRP and the IPA are empowered to make recommendations to the Board for policy changes if they see a trend that needs addressing. For example, if the CRP receives numerous complaints from citizens regarding a specific policy, but that policy is being followed, the CRP in its annual report can recommend that policy be examined.

The IPA can also offer similar recommendations in its analysis of potential trends in use of force cases. This is not a function that existed in County government prior to the establishment of civilian oversight.

### **Intergovernmental Cooperation**

While other recommendations of the Commission require more intergovernmental cooperation (the nationally recognized Diversion First program requires cooperation between the courts, FCPD, the Sheriff's Office, the Community Services Board, the Commonwealth's Attorney, and neighboring jurisdictions), civilian oversight does rely on intergovernmental cooperation to fully succeed. In particular, the work of the IPA relies upon cooperation from the FCPD, the Office of the County Attorney, the Commonwealth's Attorney's Office and potentially the courts. The level of cooperation required will be determined on a case-by-case basis, but some level will be required in each case.

### **Staffing and Financing**

During the FY2017 annual budget process, the Board of Supervisors set aside \$7.5 million in funding for implementation of the Ad Hoc Commission's recommendations, prior to voting to establish the IPA or CRP. The availability of this funding in December 2016, when the Board established civilian oversight, allowed County staff to move expeditiously to fill the full-time IPA position. The Board of Supervisors then began collecting resumes of individuals interested in serving on the CRP. The Board also enlisted outside counsel for its deliberations on the establishment of civilian oversight, and that counsel still provides independent support for the CRP. Throughout 2015, County staff from multiple departments but primarily FCPD provided staff support for implementation.

## **Press Release and Brochure Summary**

Civilian oversight of the Fairfax County Police Department was established by the Board of Supervisors in December 2016. The Board approved the creation of the Office of the Independent Police Auditor and the Civilian Review Panel. While the functions are different, the goal of the IPA and CRP are the same: to building trust between the Fairfax County Police Department and the communities it serves.

The Independent Police Auditor (IPA) has a broad mandate and will report directly to the Board of Supervisors. The position will have many responsibilities and roles, but there are the five key ways the auditor will work to enhance trust between the community and police. The IPA will monitor and review internal investigations; can request further investigation; will issue a public report for each reviewed internal investigation; will review all resident complaint investigations of alleged excessive or unnecessary force by officers; and will produce annual reports analyzing trends and recommending improvements.

The Civilian Review Panel (CRP) will serve as another portal for residents to submit complaints concerning allegations of abuse of authority or misconduct by a Fairfax County police officer. The CRP will have the authority to request and review completed Police Department internal administrative investigations regarding a civilian complaint against an officer. The panel may hold public meetings to review police administrative investigations and walk through with members of the community how the investigation was conducted, including findings of fact, evidence collected and witness statements. The panel may choose to review the following types of cases: The use of abusive, racial, ethnic or sexual language; harassment or discrimination based on race, color, sex, religion, national origin, marital status, age, familial status, or disability; the reckless endangerment of a detainee or person in custody; serious violations of Fairfax County or police procedures.

The Civilian Review Panel consists of nine members appointed by the Board of Supervisors. Panel members serve three-year terms with a two-term limit. All panel members are Fairfax County residents and have some expertise and experience relevant to the panel's responsibilities. The Board of Supervisors reached out to businesses, nonprofit groups or other local organizations for nominations of potential candidates to serve on the panel.