

**Ad Hoc Commission – Communications Subcommittee
Notes and Discussion Points**

Date: 5/11/2015

Time: 7:30pm

Place: Rooms 2/3 Fairfax County Government Center

Members Present:

Lucy Caldwell

Tom Ryan

Daniela Cockayne

Tim Thompson

Mary Kimm

Patrick Smaldore

Eric Clingan

Douglas Kay

Daryl Drevna

Merni Fitzgerald

Dave Statter

Jose Santos

John Wallace

Members Absent:

Tony Castrilli

Lisette Garcia

Elizabeth Murphy

Hung Nguyen

Others Present:

Clayton Medford

Communications Subcommittee Chairman Opening Remarks;

- Subcommittee Members Introductions
- Format for Subcommittee discussions will be a loose version of Roberts Rules
- Look at Communications Subcommittee Scope Creep

Summary of Matters Discussed;

I Subcommittee Purpose, Scope, and Plan of Action

- Review to the extent possible
- Relevant Provisions in the VA FOIA
- Comparison of FOIA Laws
- Recommendations from this subcommittee can affect how Fairfax County puts out FOIA information

- What governs what can be released via FOIAs

II Communications considerations

- Create a culture of public trust, along with balancing the safety of those involved
- When to file a FOIA? – Maybe the FCPD PIO can make the information available instead of filing a FOIA? – Who do you go to for that information??
- Does Fairfax County have a FOIA process?
- Which FOIA policies take precedence?
- What are the FOIA requirements and/or Discretionary FOIA requirements?
- VA Supreme Court decision on FOIA
- FOIA is a bar – encourage Transparency in the FOIA process
- Overall experience for requesting FOIAs is adversarial
- There has to be a balance between the public good and transparency with FOIA information

a. Laws/Tools that facilitate (or impede) free and clear transparency and timely release of public information

i. VA Freedom of Information Act

- Any communications with each other
- Everything or documents created is subject to FOIA and is a public document – send any materials to Clayton Medford
- 3 people cannot talk otherwise it is considered a meeting and subject to FOIA
- VA Freedom of Information Counsel has good info on FOIA
- Possibly changing the laws regarding FOIAs
- Comparisons of Fairfax County/VA FOIA laws with various other States FOIA laws

ii. Fairfax County FOIA procedures; open data

- Communications Subcommittee should look at Fairfax County FOIA procedures; Open Data
- What is exempted – history of exemptions – why?
- Where are their areas of discretion?
- Look at policies

iii. Communications Tools, Use, Timing

- Information Multipliers
- Communicate with citizens using their own networks
- 24/7 effort
- Is there a document that guides the FC FOIA process – are there any items missing??
- Witnesses are afraid to talk to the Police
- Releasing Police reports too early may hamper the process
- Arrest Files are public information

- Search Warrants are public information and could be destructive to neighborhoods
- Their has been a change in county FOIA practices based on a change in the County Attorney
 - Is the County Attorney encouraging a more open FOIA process?
- Need to understand what we are currently getting with FOIA release of information
- 3 step process
- Understand why certain information is not released

b Communications between

i Police and General public/community

- Should be part of the Communications Subcommittee scope

ii Police and Media

- Should be part of the Communications Subcommittee scope

iii Police and Elected Officials

1. BOS and County Attorney

- Should be part of the Communications Subcommittee scope

iv Police and Other government agencies

- What governs the flow of information in these communications
- Talk about current cases under investigation and do not exclude them
- Should be part of the Communications Subcommittee scope

c. improving the public engagement and experience

- Why is the Fairfax County Customer Experience not as positive as it should be?

****Not part of the agenda but included in the meeting was a discussion on the Communications Subcommittee Scope Parts I, II, and III listed below to determine what is relevant and what additional items should also be included, updated and/or deleted – this will be an ongoing effort by the Communications Subcommittee***

I A Relevant provisions of VA FOIA and statutory and case law as well as the policies and practices of the FCPD and Office of the County Attorney

I B Roles of FCPD PIOs

I C FCPD Consultant Report

I D Review Best Practices on the public release of information

- Look at PG County, and Howard County to see how they have changed their practices on the public release of information
- FCPD Tweeting Information
- International Chief of Police Site show best practices
- Look at VA State Police practices

II A Current state of Police Community Relations and suggestions for improvement

- What is it that we want to know from the public?

- Are we meeting the need for information for this area?
- How do citizens perceive FCPD?
- Making information available to citizens
- Recommendations from the Communications Subcommittee on what information to make available to citizens will enhance this

****Changing the Communications Subcommittee Scope to include:***

Communications between

i Police and General public/community

ii Police and Media

iii Police and Elected Officials

1. BOS and County Attorney

Iv Police and Other government agencies

- What governs the flow of information in these communications

- Talk about current cases under investigation and do not exclude them

- Seconded and Voted on without objection by Communications Subcommittee members to include the above items i, ii, iii, and iv in the Communications Subcommittee Scope

II B Review current community policing policies and practices (including training) in Fairfax County – i.e. the extent of engagement by the FCPD with the community beyond the traditional policing activities

- Why are we doing this?

- Should this be part of the Communications Subcommittee Scope?

II C Review “Best Practices” in other jurisdictions on police-community relations

- Review FCPD Best Practices and how this is being communicated

- What is being done now by the FCPD to communicate with other people of various ethnic backgrounds?

- Is it adequate – do we want it to change, and why it should change?

- Invite people from other jurisdictions to discuss how they do it

- Get links to other sets of information from other jurisdictions

- Suggest that the Use of Force Subcommittee review:

1. DOJ reports on Cleveland, Ferguson and Philadelphia police departments and the March 2015 Interim Report of the Presidents Task Force on 21st Century Policing

2. Report of the U.S. Conference of Mayors on “Strengthening Police-Community Relations in America’s Cities” (January 2015)

- Two Communications Subcommittee members volunteered to provide a Short Report at the next Communications Subcommittee meeting on reports numbers 1 and 2

III Next Steps

a. Guest Speakers

- Have the County Attorney come in and speak to this subcommittee on what it is he does
- Look at the County Attorney Decision Tree and the communication aspects of it
- Ask for the County Attorney to discuss the FOIA process
- Ask the County Attorney to focus on the rights of those accused – what is the bar?

b. Provide the link to the Fairfax County web page that shows the Fairfax FOIA process

c. Subcommittee to Look at FCPD General Order:

- # 401 Public Information;
- # 401.1 Release of Information

d. Request FCPD presentations on FCPD General Order:

- # 401 Public Information;
- # 401.1 Release of Information

e. Short Reports by 2 Communications Subcommittee members on:

1. DOJ reports on Cleveland, Ferguson and Philadelphia police departments and the March 2015 Interim Report of the Presidents Task Force on 21st Century Policing
2. Report of the U.S. Conference of Mayors on “Strengthening Police-Community Relations in America’s Cities” (January 2015)

f. On going review of the Communications Subcommittee Scope Parts I, II, and III to determine what is relevant and what additional items should be included, updated, and/or deleted from the Scope

IV Dates and agendas for future meetings

- Time Lines recommendations by the end of July
- May 26th FOIA, and FCPD Communications Info

- June 8th
- July 13th
- July 27th

Proposed, Deliberated or Decided, and Votes Taken

Decisions – Communications between: Police and general public; Police and media; Police and elected officials; Police and other government agencies should be amended to be part of the Communications Subcommittee Scope

- Voted on without objection by Communications Subcommittee members to include in the Communications Subcommittee scope

Prepared by Subcommittee Member Patrick Smaldore