

**Ad Hoc Police Practices Review Commission
April 27, 2015, 7:30PM
Rooms 9/10, Fairfax County Government Center**

Meeting began at 7:30

Commissioners present:

Bell, Kevin
Beltrante, Nick
Caldwell, Lucy H.
Cammarata, Joe
Carruthers, Brad
Castrilli, Tony
Cluck, Robert
Corcoran, Sean
Culosi, Sal
Diehl, Jim
Dillard, Amy
Earley, Pete
Fox, Peggy
Fried, Greg
Ginwright, Shirley
Hershman, Michael
Horan, Robert
Johnson, Jack
Kane, Robert
Kay, Doug
Kidwell, Ron
Kimm, Mary
Kwon, Michael
Lovaas, John
Niedzielski-Eichner, Phil
Murphy, Elizabeth
Reed, Gervais
Rohrer, Dave
Ryan, Tom
Simon, Marcus
Steel, Jr., Adrian L.
Stewart, Jeff
Wallace, John

Commissioners Absent:

Aden, Hassan
Clingan, Eric
Fitzgerald, Merni

Hill, Joe R.
Ross, Robert
Thompson, Tim

Chairman Bulova opened the meeting.

Minutes:

Mr. Culosi said in the discussion on release of material, and what the judge ordered, he has ordered all the use of force policies changed since 2006. He needs copy of the CHANGES of use of force.

Joe Cammarata said he does not do defense-related work, he does victims rights work. Strike the sentence regarding “tempered”.

Elizabeth Murphy did attend
Meetings moved by Mr. Bell, multiply seconded
Meetings approved unanimously

Housekeeping matters were discussed – materials presented are posted on the site, the Clerk of the Board is now taking sign ups for the May 18 Public Forum.

Mr. Bell asked that the Office of Public Affairs publicize the Public Forum. It was agreed to without objection.

Presentations:

Detective Chris Flanagan, 28-year detective with FCPD, spoke about the criminal investigation of officer-involved shootings and in-custody deaths. Work is supplemented by Homicide but Det. Flanagan’s division, Cold Case, is the lead.

Commonwealth’s Attorney Ray Morrogh discussed his work history at the Commonwealth’s Attorney’s Office, his duties and responsibilities, and the law enforcement agencies with which he works. Mr. Morrogh discussed how he makes the decision whether or not to charge an individual accused of a potential crime including officer-involved shootings, and potential conflicts that could arise in the course of an investigation.

Capt. Bob Blakely (FCPD) discussed the role and responsibilities of the Internal Affairs Bureau in investigating an officer-involved shooting. IAB works with Cold Case and Homicide, shadowing them during parallel criminal investigation.

Mr. Hershman opened the floor to questions and said speakers would not be able to answer questions regarding open cases, questions should be directed to speakers.

Commissioners then asked questions and held discussion on:
dash cameras and body cameras;
running IAB investigations and CIB investigations concurrently;

whether the Commonwealth's Attorney's Office has considered using outside agency for investigations to address perception of conflict;
what documents are produced in investigations that the Commission can review and why other jurisdictions, particularly the recent case in South Carolina, can release information so quickly;
policy on use of Tasers and whether FCPD routinely investigates whether person has mental illness and whether officer has CIT training;
how broad the IAB and CID investigations are, particularly their role in assessing defenses available to officer, and whether they approach civilian investigations differently than officer investigations;
how County Attorney's Office interfaces with IAB;
the release of video involved in investigations and whether the dash cam video involved in the 2009 officer-involved shooting of David Masters would be released;
whether Mr. Morrogh will explain what happened in Geer case if it is resolved while Commission is sitting;
how many cases the Commonwealth Attorney's office reviewed and how many were grand juried or indicted;

Mr. Hershman asked for FCPD to supply the facts Mr. Culosi asked about as reflected in the amended March 23 meeting minutes;

The Commission discussion returned to questions related to:
Whether FCPD or the Commonwealth's Attorney get involved in civil litigation;
in IAB investigations, whether it can be concurrent with CIB;
why has it taken 18 months to refer Geer case to grand jury and why hasn't a police officer been charged with wrongful death in its history?
lack of charges brought against police in officer-involved shootings - Mr. Hershman said if that data exists the Commission will get it.

Mr. Horan mentioned the Herndon riots in 1970s, officer was charged with shooting and was presented to grand jury and that jury returned no true bill.

The Commission discussion returned to questions related to:
police investigating police and perception of conflict;
on independent oversight: setting aside police use of deadly force that rises to misconduct, how many misconduct cases have been investigated, and how many have been referred to CAO, and how many have resulted in action?
whether FCPD chemical tests officers involved in deadly force, and whether FCPD has early intervention system? Policy will be provided to commission.
Whether Mr. Morrogh employs sworn investigators?

Ms. Ginwright asked can the Commission have stats for excessive force in addition to deadly force? Without objection it was agreed to.

Audience member in mask – do you have policy on pepper spray or tear gas since they are not allowed in war? can't officers change story in time between incident and investigation?

The Commission discussion returned to questions related to:
Two-day period between incident and investigation and whether the officer is under a constraint not to discuss case;
FCPD policy of mental health of officers and whether they remain on duty if receiving treatment for mental illness;
if officers on scene have been reprimanded or disciplined, particularly supervisors.

Questions were concluded.

Mr. Hershman announced members of the five subcommittees.
Subcommittee chairs have been informed of the interested citizens.
Each committee meeting will be public

Ms. Ginwright said subcommittee chairs should look at diversity of membership and make sure they reflect the diversity of the community.

Meeting concluded at 9:58pm

Minutes prepared by Clayton Medford, Office of Chairman Sharon Bulova, 703-324-2321 clayton.medford@fairfaxcounty.gov