Ad Hoc Police Practices Review Commission
March 23, 2015, 7:30PM
Rooms 9/10, Fairfax County Government Center

*[**Editor's Note:** These minutes include substantially more detail than typical meeting minutes in order to fully capture the expectations of the commissioners. Minutes of future meetings will be in line with standard meeting minutes to include: date, time, location; members present and absent; a summary of matters discussed, proposed, deliberated or decided; and votes taken (as recommended by the Virginia Freedom of Information Act Council. See: http://foiacouncil.dls.virginia.gov/ref/basicmeetings.pdf)]*

Meeting began at 7:32

Commissioners present:
Bell, Kevin
Beltrante, Nick
Caldwell, Lucy H.
Cammarata, Joe
Carruthers, Brad
Castrilli, Tony
Clingan, Eric
Cluck, Robert
Corcoran, Sean
Culosi, Sal
Diehl, Jim
Dillard, Amy
Earley, Pete
Fitzgerald, Merni
Fox, Peggy
Fried, Greg
Ginwright, Shirley
Hershman, Michael
Hill, Joe R.
Horan, Robert
Johnson, Jack
Kay, Doug
Kidwell, Ron
Kimm, Mary
Kwon, Michael
Lovaas, John
Murphy, Elizabeth
Niedzielski-Eichner, Phil
Reed, Gervais
Rohrer, Dave
Ross, Robert
Ryan, Tom

Simon, Marcus
Steel, Jr., Adrian L.
Stewart, Jeff
Thompson, Tim
Wallace, John

Commissioners absent:
Aden, Hassan
Kane, Robert

Ms. Bulova began meeting with thank you to commissioners. Discussed mission of commission as laid out in the March 3 Board Matter and read from Feb. 23 press release.

Ms. Bulova then discussed formation of Commission and selection of commissioners. She said the size of this commission is not too large and not atypical for Fairfax County commissions and task forces such as the Bipartisan Election Process Improvement Commission and the Meals Tax Task Force. She said her office reached out to individuals and organizations with media, legal, law enforcement and academic backgrounds. Ms. Bulova said she also received recommendations from Board Members, and received personal recommendations from individuals directly to her office and through Facebook. Ms. Bulova specifically mentioned Jeff Stewart, witness and friend of John Geer, and Sal Culosi, Sr., father of victim of officer-involved shooting Sal Culosi, Jr., and thanked them for participating in the commissions.

Ms. Bulova said this commission cannot be about investigating the John Geer case. Instead, this Commission will review policy, best practices, and make recommendations to the Board of Supervisors. She added that the deadline of Oct. 1 was chosen based on what she felt the commission should cover and have those recommendations to the sitting Board of Supervisors prior to the election.

Ms. Bulova added that Fairfax County is the safest jurisdiction of its size thanks to the public safety personnel.

Mr. Hershman thanked commissioners and noted they have a lot of work in front of them.

Mr. Hershman began going through the packet given to commissioners. First, Mr. Hershman detailed the requirements of the Virginia Freedom of Information Act (VFOIA). The Commission will operate as a public body under the VFOIA.

The commissioners then introduced themselves.

Mr. Simon views his role to listen to views of commissioners, described the Dillon Rule, and said commission recommendations may need enabling legislation.

Mr. Clingan is an attorney, works with police, crime victims and prosecutors. His membership on Defense Bar Association will provide value to commission.

Mr. Kay has worked for Mr. Horan, defense work, general counsel for a police union and advised police officers involved in shootings. Holds Fairfax County Police Department (FCPD) in high regard and says whatever this commission can do to improve their image will be great.

Mr. Cammarata described his victims rights work. He said the safe community is due in part to police. He is interested in learning about polices, where there are perceived problems, and to ensure rights of citizens are protected.

Ms. Ginwright said NAACP looks into discrimination claims against Fairfax County. Communities of Trust Committee established to explore concerns. She said her role here is to assist where needed to help create a united force.

Mr. Stewart said experience as witness in shooting of John Geer compelled him to learn about these issues. He would like to see independent oversight and likely independent investigation when complaints against police rise to criminal. Hopes commissions makes timely recommendations.

Mr. Steel grew up in Ferguson. Former clerk to William Webster when he was judge and followed him to FBI. Conducted study on shooting at Ft. Hood. Interested in learning best practices amongst law enforcement, transparency and accountability. Wants commission to explore Mr. Stewart's recommendations on independent oversight but is not prejudging solution.

Mr. Kwon currently serves on Human Rights Commission. Hopes to see genuine honest concerns raised about police recently being discussed here.

Mr. Cluck described his organization and the Crisis Intervention Team program. He has personal experience with police interactions with special needs individual and had a positive experience and wants to see more training.

Mr. Earley described his work with his adult son following his son's mental health breakdown. Traveled to 48 states and is disappointed in Fairfax County lagging behind in mental health support. Says it is a matter of supporting programs and not relying on police to deal with those with mental health issues.

Mr. Diehl is here to learn best practices and help build transparency and improve community relations.

Mr. Kidwell is in charge of the Adult Detention Center and brings that experience.

Ms. Fox representing her colleagues in broadcast media. Discussed her interaction with Don Geer, father of John Geer, and the lack of information that was shared with the family regarding the shooting of John. She said other local jurisdictions provide more information sooner.

Ms. Fitzgerald said that an informed and engaged community is a well-served community. Hopes the commission will address improving and changing the culture of transparency, engagement and public relations throughout Fairfax County. Information and best practices have been discussed in the past and this commission should move them forward.

Ms. Dillard writes about serious mental illness. She just spent 18 months serving on a 6-person review panel on a death in custody in Baltimore. She understood the context there is different from the Commission's context and is interested in how the two will produce results differently.

Mr. Bell said CSB funding has handicapped the police force. Wants to bring a sense of reality and inform the commission about the reprioritization needed for providing adequate resources. Incidents that brought Commission together have mental health component.

Mr. Niedzielsli-Eichner described his long standing commitment to the community, particularly on the Fairfax County School Board.

Mr. Ross described his role in the Fairfax County Office of the County Attorney. He is here to listen and provide constructive comments so that the problems that appeared will hopefully never happen again.

Mr. Lovaas described some good experiences with FCPD in Reston in developing seminars and self-defense training for women. He is here as an alternate to Mr. Beltrante. He said he is very concerned with the events of the past related to police accountability.

Mr. Reed is here to ensure FCPD policies are those of the national best practices.

Ms. Murphy is here to listen and help ensure a positive outcome.

Ms. Kimm here to make Fairfax County instead of one of the least, one of the most transparent.

Mr. Carruthers has worked patrol, gang unit and is a use-of-force expert and an instructor in firearms and tactics. Brings to the table that expertise and through his organization, we have a good working relationship with communities to build understanding of what law enforcement is.

Mr. Ryan said he thinks the Commission will find reputation, policies and procedures of FCPD are some of the finest in the nation but there is still room to be better. Here to find out how to be better – said FCPD is a learning organization. He is here on behalf of FCPD with an open mind, asking community to tell them what they need to know. He is here to learn.

Ms. Cockayne works in intelligence and public safety. Former public safety, security and intel leader in Navy.

Mr. Thompson said his members are interested. Here to learn and represent Federation membership.

Mr. Culosi described the events that led up to the shooting of his son, Sal Jr. Most importantly is the fact that his son would be alive but for in 2006, county policies were to routinely use SWAT and its aggressive tactics and procedures against people certified by FCPD to be low risk. He has not received information on changes made to these policies that were promised to him. He requested this information be provided to the Commission. He added the judge in Maura Harrington v. Edwin Roessler et. al (civil case against Fairfax County regarding shooting of John Geer) has ordered the release of all use of force policy changes since 2006. A copy of the changes to the use of force policies would allow the Commission to see how they may have contributed to subsequent deaths. He said this commission appears politically motivated due to the timing. He wants to assuage the public that this commission is not political cover and he will try to make a bulletproof set of recommendations by the deadline. Does not want to create a non-binding set of recommendations that will be ignored.

Mr. Beltrante said he and his organization are pro-police. There are 150 cities and counties with some form of civilian oversight board, including Prince George's, DC, New York, Baltimore, Philadelphia and Boston. Virginia is one of 14 states with none. His organization recommend this commission endorse the creation of such a board to accept and investigate citizen complaints of police misconduct, negligence and report to chief of police and the Board of Supervisors.

Mr. Wallace has investigated officer involved shootings when police were shot as well as when police were the shooter. He has experience in working with families and informing them of why some information is not released.

Mr. Corcoran said his union represents mostly rank-and-file officers and he is here to represent those views. He said there is room for improvement, and there are a lot of officers with the same questions that citizens have asked. He thinks the commission will learn a lot of work has been done to answer those questions.

Mr. Fried said his crisis negotiation experience will be valuable. Looks forward to discussion.

Mr. Johnson is a former FCPD officer, retired federal agent, and says FCPD is one of the finest in the world but we are here to make it better. Said the intersection of mental illness and law enforcement is not just a Fairfax County problem.

Ms. Caldwell described her role as a civilian public information officer at FCPD. Said her office wants to hear how they can do a better job – they want to improve. She said best, most accurate information must be delivered in the most sensitive way they can.

Mr. Horan said work as the Commonwealth Attorney was a way of life. Has worked with prosecutors from all kinds of jurisdictions and is proud of the tremendous community cooperation in Fairfax County during his 40 years as prosecutor. People wanted to help and support the police. He always felt he was dealing with the kind of people that wanted help. He hates the fact that may be at risk. He wants the commission to look at the policies and what underlies them and if there is change needed, I hope we can do that with the goal of community involvement. Need to look at reasons that undergird the policies.

Ms. Bulova recognized Chief Ed Roessler.

Ms. Bulova said going around the room she feels this is an excellent commission and feels positively about the commission and the work it will be doing.

Ms. Bulova described Mr. Hershman's experience and thanked him for serving.

Mr. Hershman said he is awed by the breadth and depth of expertise on the Commission. Said it is his job to make the best use of that expertise and in the timeframe laid out by the Board of Supervisors.

Mr. Hershman began describing his thoughts for future meetings. He said one of the meetings will be absolutely devoted to citizen input. Commission wants to know how the people of Fairfax and beyond are thinking and feeling. Said he will work with Ms. Ginwright to combine the efforts and avoid duplication of effort with the Communities of Trust Committee.

Commission meetings will be themed along the lines of the scope and responsibilities of the commission. Commission will have a meeting devoted to use of force, communications.

Mr. Hershman said Commission will form subcommittees to work on specific areas of concern. Subcommittees will consist of commission members and perhaps others who are not members but have asked to participate. Interest in serving has been extraordinary. Mr. Hershman will select subcommittee chairs based on their interest. Subcommittees will then prepare and present ideas and recommendations to full Commission. He sees this as best way to meet timeline.

Subcommittee topics:

1 - Use of force training, policies and procedures.

2 - Communications and cooperation policies. Communication between the police and the public, police and the Office of the County Attorney, and police and the Commonwealth Attorney. Subcommittee should examine laws that impede free and clear communications and transparency and how we can change those laws.

3 - Police recruitment and vetting – important to continue drive to diversify force and to make sure officers are there for the right reasons and have the right profile.

4 - CIT – not just to look how police reach out but to see what services exist within FCPD for officers experiencing crisis. (Later amended to broaden focus to Mental Health)

He asked the commissioners to contact him directly with their interest in serving on certain subcommittees.

Mr. Hershman said the same VFOIA rules that apply to Commission apply to the subcommittees.

Mr. Hershman said subcommittees will be able to talk with County employees and any outside expertise related to their topic. There will be no obstacles placed in the way of the Commission.

Mr. Hershman said the Commission can make FCPD a national model.

Mr. Hershman opened the floor.

Mr. Culosi restated his request for use-of-force policy changes since his son's death. He said the direction of the commission is lacking without a clear statement of what is broken. Commission cannot fix what it doesn't know is broken.

Mr. Hershman said first meeting after this one will be directed to the topic of how we found ourselves here.

Mr. Bell said it would be helpful to post online all materials provided to any and all committees so members of the commission and the public can see it. Will ensure the public feels this was transparent. Endorsed idea of subcommittees.

Mr. Hershman confirmed quick posting of all information. Said subcommittees will have a lot of responsibility and independence to find out what they want and who they want to speak to. He said one of the ongoing County studies is not yet available so the subcommittee will need to begin without that.

Ms. Bulova said the use-of-force study should be completed and available in the next week or so. She confirmed Mr. Culosi's request for that information will be fulfilled.

Ms. Bulova added that questions should be funneled through the Commission to ensure county employees are aware of the origin of the request and they aren't hearing from people they are not familiar with. Need a process to request information.

Mr. Rohrer said the use-of-force study is being conducted by the Police Executive Research Forum (PERF). One option is PERF could come speak to Commission, subcommittee or both.

Mr. Steel said the Commission should consider an accountability review – where investigations take place and is that proper and suggested police/citizen accountability could be a separate subcommittee. Mr. Hershman said he will consider it and feels it to be a good topic that will be discussed at length.

Ms. Ginwright mentioned Chief Roessler's ongoing diversity efforts.

Mr. Cluck said CIT can be an alternative to use-of-force and suggested the two committees may want to work together.

Mr. Hershman said two committee chairs can discuss efforts.

Mr. Earley thanked Ms. Bulova for diversity of ideas on Commission. Suggested broadening CIT subcommittee to be Mental Health.

Mr. Clingan asked the commission to consider diversity of experience on subcommittees. Commission should not place all law enforcement on one subcommittee, for example.

Ms. Dillard suggested an Investigation subcommittee. Suggested that is an area where transparency is lacking.

Mr. Stewart endorsed Mr. Steel's recommendation on civilian oversight and Mr. Clingan's suggestion on diversity on subcommittees. He added that anti-police fervor across country is not helpful and is not judging all police based on his personal experience. Said there will always be good officers that make a bad decision and bad officers that abuse power and commission is here to find out what we can do when that happens. Referred to his handout.

Mr. Kwon clarified if a member of the commission reached out to an outside source for information would that be subject to FOIA.

Mr. Cammarata asked if the Commission will meet again before the committees meet.

Mr. Hershman said yes. Subcommittees will not meet until after the next Commission meeting.

Media Relations

Mr. Hershman said he will not discourage anyone from speaking to media but said they must represent their own views and not those of the commission. He will be representing the commission to the media.

Mr. Hershman introduced Drew McKay, General Counsel of the Fairfax Group.

Meeting adjourned 9:13pm.

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