

Addendum to June 16 2015 DOJ Ferguson Report Summary

BY: Randy K. Sayles
Use Of Force, Civilian Sub-Committee Member
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My focus will be on:

- Diversity
- Training
- Supervision
- Accountability
- Community Stakeholders
- ECW's
- Residency
- Independent Oversight

As directly or indirectly having a nexus to use of force considerations, recommendations by this sub committee to the Ad Hoc Commission and Fairfax County Police.

DIVERSITY

I agree with DOJ's recommendation to the Ferguson Police that enhanced diversity with African American Officers, especially in communities with high percentages of African Americans, is necessary for overall sound, just policing. I also believe Diversity is indirectly relevant to our well documented use of force (UOF) discussions to date, of the Fairfax County Police; which I won't regurgitate and also for reasons I've alluded to during those discussions without stating specifically. I will state those reasons during this briefing in further support of my recommendations for the sub-committee's consideration.

As an African American, retired law enforcement officer, I can attest that pressures to be accepted by your police officer colleagues, and others, at a police department or agency can be overwhelming; potentially leading to unjust policing and unwarranted uses of force. Although, recruitment and hiring of minorities alone is not a panacea to abuses, to include UOF, it is my life long experiences as an African American, living in economically depressed environments (ghettos); as well as middle, upper class and affluent environments, believe that it is critically important to ensure that the Fair Fairfax County Police Department (FFCPD) have officers with integrity and intestinal fortitude to do the right thing; regardless of internal police challenges or those encountered when interacting with citizens.

Based on my personal experiences the past eight (8) years with the FFCP with harassing traffic stops; issuing of tickets, warnings and abusive language not resolved when attempting to do so informally or subsequent to favorable adjudication by County Traffic Court proceeding, I'm of the opinion that FFCP, at least in the Sully District, need to have more African American Officers; who possibly will give the same considerations to African American, as I observed by White Officers giving to White drivers for the same offenses in the same general areas as me. In all but one of my interactions with FFCP, I was acting officially on behalf of the Fairfax County Clean Streets Program and saw no need to identify myself as a former law enforcement officer.

What is the nexus to Use of Force? In my many experiences working with police officers nationally and internationally, I've seen similar interactions, and others that I have referenced escalate into confrontations, resulting in potential uses of force, which could have easily been avoided. Fortunately, in my interactions, I displayed empathy and exercised restraint, in spite of disrespectful tone and attempts to, consciously or unconsciously, marginalize me.

This is a NO, NO by police officers when interacting with citizens; especially African Americans who have been the brunt of this type of policing historically and viewed treatment by many, overall from the "system" in general. Therefore, I recommend the sub-committee consider:

- Emphasizing with the appropriate sub committee, regarding recruitment/hiring, the importance of diversity and its potential positive, negative impact as an indirect nexus to UOF when there is a dearth of qualified minorities.

TRAINING

I agree with DOJ's recommendation of initial and recurring training for the FPD and believe that the same is needed for the FFCP; as an indirect nexus to UOF for several reasons; many already well documented and discussed to date in our sub-committee, as well as my personal experiences, stated regarding diversity.

Additionally, I'm concerned with several responses (which suggested laxity in determining suitability of Field Training Instructors (FTIs)) received from FFCP Training Academy staff on June 3, 2015, when responding to sub committee questioning of the selection process of FTIs; training of probationary officers; as well as officers with more than two (2) years tenure. The officers involved in my encounters fell within the categories stated. Therefore, I believe it will be useful and recommend the Training Academy, or FFCP Command, as appropriate:

- Provide ALL data, for subcommittee review, regarding FTIs and the Academy Training Staff; their selection, training, evaluations, comments and recommendations for tenures in positions up to five (5) years by the appropriate Captain, or Deputy Chief, beyond that by any outside agency certifications.
- Provide mandatory, recurring training to Probationary Officers within two (2) years of ending probation to enhance, ensure training taught in the Academy is properly balanced with realities "in the field". As it is more likely probationary officers are being told that handling realities in the field are, may be, contrary to that acknowledged or known by training staff personnel on June 3.

SUPERVISION

I agree with DOJ when highlighting poor supervision, and/or lack of by the FPD, as a major issue and I believe the same exists as a potential indirect nexus to Use of Force by the FFCP, as seen in Ferguson. Again, I base my comments on our sub-committee discussion to date, and my personal interactions with the FFCP stated regarding Diversity and Training. I believe the FFCP need to ensure appropriate initial and follow-up supervision occurs at all levels of interactions with the public.

I found it concerning when reviewing past sub-committee discussions, to include rebuttals by Sal Culosi, regarding the report on his son, Dr Culosi, forwarded for sub-committee review and subsequent to my submission of the Ferguson report, that the officer received discipline; however, there was no discussion, discipline for Supervisors, to include Command Official(s), in the report approving the operation that resulted in deadly Use of Force.

The Police Executive Research Forum (PERF) report, while not specific, appears to have indirectly come to the conclusion that the FFCP doesn't provide adequate supervision overall; which is what DOJ cited as a deficiency with the FPD.

Therefore, I'm concerned that non-law enforcement citizens will unnecessarily engage with the FFCP, as I did when not identifying myself as a former law enforcement officer, in prolonged and unsuccessful attempts to meaningfully interact with officials, to include Chief Roessler, in useless back and forth dialogue via email, phone, even after purportedly receiving an introduction from County Executive Bulova to meet with Chief Roessler (although, it should be noted that Ms. Bulova was not specifically told in great detail my reason to meet with Chief Roessler).

As a retired law enforcement Officer encountering such resistance, double talk, slow responses, non-action causes me to question whether FFCP supervisors, and higher, are executing their responsibilities reflective of FFCP policies; to include UOF and the ultimate well being and dignity of citizens. If not, as in my examples, then failure to engage forthrightly and appropriately has historically led to a culture within police

departments contributing to an indirect nexus to Uses of Force, as seen in Ferguson. Therefore, I recommend for sub committee consideration that:

- FFCP provide ALL data, where legally permissible (they don't necessarily have to release names of officers or victims until cases are concluded), for ALL uses of force, to include deadly and serious injuries, or any others per FFCP policy description; specifically for determining actions taken, not taken, to include opportunities for training, by supervisors, Commanders up to and including the Chief of Police, on the scene or not.

ACCOUNTABILITY

I agree with DOJ's highlighting failures by FPD supervisors, up to and including the Police Chief, to not only review, but to hold officers in use of force situations culpable for their actions. Based on well documented discussions, to date, by other use of force sub committee members, as well as my own personal experiences stated, accountability and non-accountability must apply at all levels of interactions with the FFCP. Lack luster or non-accountability by Supervisors can be viewed in tandem with that stated of supervision and thus become an indirect or direct nexus to uses of force "in the field." I therefore recommend for consideration by the sub-committee that:

- FFCP provide randomly selected complaints, at all levels of use of force and non-uses of force, to the sub-committee for evaluation of appropriate accountability, discipline issued, formal or informal, of involved officers and others.

COMMUNITY STAKEHOLDERS

I agree with DOJ's recommendation to the FPD regarding the overall importance of community stakeholders with their myriad of policing issues and also believe there is an indirect nexus, importance to the FFCP in minimizing uses of force based on discussions, to date, of this sub-committee.

I also didn't see where Mr. Wexler and his "Perf" team made any attempt to hear from citizens, and if they did, believe that citizens' comments will support the importance of stakeholders, as stated, regarding minimizing the uses of force.

Chief Roessler, during the UOF sub committee meeting on July 1, alluded to an alliance with the "Public Safety Committee" when stating that he wanted the "Public Safety Committee to challenge us" (FFCP). It's my un-confirmed understanding that this committee hasn't met in four (4) years.

Therefore, I recommend for consideration that the Use of Force sub-committee Chair:

- Coordinate with the appropriate sub committee Chair for stakeholders; advising that the UOF sub-committee believe stakeholders are critically important in helping minimize uses of force;
- Offer Use of Force Sub Committee relevant discussion, recommendations, such as: seeking a list of stakeholders, if any, interviewed by Mr. Wexler and his "Perf" team;
- Recommend obtaining data, agendas, and minutes from any other civilian committees, formally or informally interacting with the FFCP; so as to assess the usefulness of the interactions and how citizens can better understand, monitor and engage in those interactions.

ECW's (Tasers)

I agree with DOJ's recommendation to the FPD that Officers should be required to view ECWs as one tool among many, and "a weapon of need, not a tool of convenience"; while NOT depending on ECWs, or any type of force, "at the expense of diminishing the fundamental skills of communicating with subjects and de escalating tense encounters." Although DOJ didn't state mandatory carry, I believe that there has been sufficient use of force sub committee discussion, to date, justifying mandatory use of this less lethal deadly weapon by the FFCP along with side arms. The single reason stated by FFCP Academy training staff on

June 3, 2015 of no room on the Sam Brown belt is not accepted as valid and should be countered with making room to carry tasers. Therefore, I recommend for consideration by the sub-committee that:

FFCP immediately require training and mandatory carrying of ECWs (Tasers) in addition to sidearm's:

- Provide enhanced training and issue ECW's (Tasers) to ALL police officers; regardless of rank or assignment.
- Mandate ALL uniform patrol officers, regardless of rank, carry a Taser, in addition to sidearms;
- Mandate ALL detectives and plainclothes officers, regardless of rank, carry Tasers in vehicles when on duty;

RESIDENCY

DOJ Investigators didn't state a residency requirement for FPD. Never the less, I believe the requirement appropriate for FFCP overall and specifically beneficial to use of force and therefore recommend for consideration by the sub-committee that a recommendation go forward that FFCP Officers be required to live in Fairfax County for the following reason:

- Police Officers living in a community more than likely will be inherently more disposed to policing justly; then if having an ability to police without thinking or in accordance to policies and then retiring to a community where it is less likely they will face the consequences of their actions; if unjust.

INDEPENDENT OVERSIGHT

DOJ Investigators recommended independent oversight of the FPD based on substandard policing negatively impacting the city of Ferguson, especially African American citizens, done in collusion with other City Departments.

FFCP does not meet the dismal standard of FPD for independent oversight; however, I believe FFCP warrants independent oversight by a Board consisting of citizens for the following reasons:

- (a) Discussions to date by this sub-committee of FFCP uses of deadly and non-deadly force;
- (b) Chief Roessler's statement that he welcomed the "Public Safety Committee" to challenge the FFCP;
- (c) Citizens, who believe that they have been wronged, should have informal and formal options to voice their concerns or complaints of alleged unprofessional, unwarranted Police behavior versus via court action; as other sub committee members and I endured.

Therefore, I recommend for consideration by the sub-committee that there be further In-depth discussion by the use of force sub-committee on establishing an independent civilian oversight committee of the FFCP; that will meet more often than in four (4) years.

I further recommend for consideration that the Sub-committee make the following recommendations on composition to sure a Board with sufficient influence, authority for meaningful interaction with the FFCP:

- The number of each member;
- Select citizens of a recognized advocacy body; such as the NAACP, Urban League or similar group;
- Select Independent citizen(s) residing legally in Fairfax County;
- Select a FFCP police officer;
- Select a law enforcement official, current or retired, from a recognized agency; such as FBI, State Police, etc.;
- Request the Supervisor or Representative of Fairfax County Board of Supervisors participate;
- Select any other person deemed to be beneficial for independent, fair and sensible oversight to the benefit of citizens, FFCP and Fairfax County Government.

DOJ INVESTIGATION FAIRFAX COUNTY POLICE

DOJ Investigators conducted investigation of the FPD based on discriminatory actions identified as deeply entrenched with practices, priorities that were incompatible with lawful and effective policing thus damaging community trust. Adrian Steel, member of the use of force sub committee, has made written recommendation, June 5, 2015, that there is no need for a DOJ investigation of the FCPD.

I disagree with this definitive position, at this point and recommend waiting for additional review, discussion of forthcoming data, discussion regarding FCPD operations before a final decision is made.

CONCLUSION/RECOMMENDATION TO USE OF FORCE SUB-COMMITTEE:

The DOJ investigation of the Ferguson Police Department, and other City Agencies, concluded there was a systemic conspiracy to raise revenue at the expense of Ferguson citizens, especially African American; and in the process, violated Constitutional and internal policies of all agencies. To date, there is no evidence that the Fairfax County Police Department has degenerated to such dismal policing or widespread systemic failures, collusions to deprive citizens of the County.

However, there is FCPD data and personal experiences of use of force committee members that warrant serious consideration for establishment of an independent oversight committee to ensure every aspect of police operations is responsive to citizens' safety, well being and respect.

I further recommend that there be continued review of data, discussions regarding whether a Department of Justice (DOJ) investigation is warranted; even though a written opposition to such investigation was forwarded, dated June 6, 2015, to the use of force sub committee-by-committee member Adrian Steel.

