

Ad Hoc Police Practices Review Commission
Use of Force Subcommittee
May 6, 2015, 7:30PM
Room 232, Fairfax County Government Center

Meeting began at 7:30 pm.

Subcommittee members present:

Hassan Aden
Joe Cammarata
Brad Carruthers
Sal Culosi
Marc Harold
William Moncure
Phil Niedzielski-Eichner
Randy Sayles
Jodi Shlesinger
Michael Shumaker
Adrian Steel
Bernard Thompson

Subcommittee members not present:

Mary Kimm
Michael Kwon
Joseph P. Smith

Mr. Niedzielski-Eichner began the meeting by welcoming everyone and thanking them for attending. He reviewed the proposed agenda, and thereafter the subcommittee members introduced themselves.

After a description of the scope of work by Mr. Steel, a discussion was held as to any changes or additions to the scope (recognizing that all changes would need to be approved by Michael Hershman, the Chair of the full Ad Hoc Commission). In that discussion, it was agreed that the subcommittee would need to know the status of the Police Executive Research Forum (PERF) report on FCPD use of force policies and practices in order to properly consider and evaluate the FCPD's use of force. Mr. Niedzielski-Eichner indicated that he would make inquiries as to when we could expect the report and seek to arrange for a presentation on the report being made by the PERF. He will also try to ensure that the subcommittee members receive the report in a timely manner once it is finished.

A motion was made by Mr. Steel and seconded to add the words "and review" to the fourth line of Section I after the word "identification". The purpose of the additional language was to confirm that the subcommittee would review the use of SWAT and the other identified tactics. The motion passed by unanimous voice vote.

A motion was made by Mr. Harold and seconded to remove Section VI.D from the scope and add the following as a new Section II.C: "Use of Force Committee". The purpose of the motion was to reflect Mr. Carruthers' indication that the FCPD has an existing Use of Force Committee which reviews all use of force incidents and that there was no need to establish a Serious Incident Review Board. Rather, the subcommittee can review and evaluate the activities of the Use of Force Committee as part of Section II. The motion passed by a unanimous voice vote.

Mr. Shumaker asked for the definition of "critical incident response" in Section II. Mr. Niedzielski-Eichner will seek clarification of the phrase from the Ad Hoc Committee chairman.

A motion was made by Mr. Carruthers and seconded that the scope of work be approved as amended. Mr. Shumaker made a motion to delete the words "and changes since 2006" in Section II.A. The motion did not receive a second. Mr. Carruthers' motion was passed with Mr. Shumaker voting against the motion.

It was agreed that a typographical error resulting in two Sections being numbered VI should be rectified by changing the latter one to "VII."

Captain Graham McGowan of the FCPD described the background to the PERF report, including that the report was undertaken as a result of Chief Roessler's interest – upon his appointment as Chief -- in having a review of the FCPD's UOF policies and practices as set forth in the scope of work agreed to with PERF. He also described the General Orders and SOPs relating to the use of force. He addressed SWAT risk assessment figures as set forth in the March 2015 report that has been provided and relayed other aspects of the FCPD's use of SWAT. The subcommittee expressed interest in learning more about the use of SWAT and the risk assessment process (including the SWAT matrix which is used and who gives final approval to the use of SWAT). It was agreed that those topics would be within the subcommittee's scope of work.

Captain McGowan also mentioned and agreed to provide a link to the April 2013 Fairfax County Internal Audit Office Report – FCPD Administrative Investigation Process Audit.

Mr. Niedzielski-Eichner then asked if there were any other information requests that subcommittee members wanted to be made. Mr. Culosi indicated that he would like the questions for Deputy Chief Ryan that he has circulated be answered. It was agreed that those questions would be discussed in our next meeting.

As to possible speakers to be invited before the subcommittee, several names were suggested. They include: Dr. Elsie Scott, Howard University; Bill Lewinski, Force Science Institute; and Tom Aveni, Police Policy Study Council. The consensus was that we would consider inviting one or more of the speakers after the PERF report has been received and issues on which we would like to hear from the speakers are identified. It was suggested that the subcommittee could review written materials from the speakers reflecting their views on the use of force by police in advance of any presentation so that the subcommittee can get a better understanding of how each speaker can provide useful input.

As to future meetings, it was agreed that the subcommittee would meet on every other Wednesday at least through the end of June. The dates are: May 20, June 3, June 17, and July 1. The meetings will start at 7:00 pm. The subcommittee was asked to tentatively calendar meetings thereafter for every other Wednesday subject to change as needed.

Mr. Niedzielski-Eichner indicated that, once Mr. Hershman has approved the changes to the subcommittee's scope of work, he will prepare a plan of action for the various tasks in the scope. He indicated that it is his intent to start each meeting promptly at 7:00 pm and end them at 9:00 pm.

The meeting was adjourned at 10:00pm

Minutes prepared by Commissioner Adrian Steel.