

ACTION -

Approval of the Recommendation of the Independent Oversight and Investigations Subcommittee of the Ad Hoc Police Practices Review Commission to Establish an Office of Independent Police Auditor

ISSUE:

Board of Supervisors approval of the recommendations of the Independent Oversight and Investigations Subcommittee of the Ad Hoc Police Practices Review Commission to establish the Office of Independent Police Auditor, appointed by and reporting to the Board of Supervisors, for the purpose of building and maintaining public trust and police legitimacy. The Office of Independent Police Auditor will review police use of force cases and complaints involving serious injury or death, including officer involved shootings, to ensure the investigations are comprehensive, accurate, objective, and impartial.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the recommendations of the Independent Oversight and Investigations Subcommittee of the Ad Hoc Police Practices Review Commission to establish an Office of Independent Police Auditor with proposed revisions.

TIMING:

Board action is requested on September 20, 2016.

BACKGROUND:

The creation of an Ad Hoc Police Practices Review Commission was moved by Chairman Sharon Bulova and approved by the Board on March 3, 2015. The purpose of the Commission was to engage the community in an open and transparent process to recommend changes to help the Board and the Police Department achieve the goals of maintaining a safe community, ensuring a culture of public trust, providing for the fair and timely resolution of police-involved incidents and information release, and reviewing Crisis Intervention Training (CIT) and police responses for cases involving mental health.

On October 20, 2015, the Ad Hoc Police Practices Review Commission submitted its final report and recommendations to the Board of Supervisors. On November 17, 2015, the Board of Supervisors approved a process for assigning, prioritizing, reviewing, tracking, and considering the 202 Commission recommendations.

On November 17, 2015, the Board also directed an annual report and a final summary report on the status and implementation of all of the Commission's recommendations. The first annual report shall be presented to the Board at the scheduled Public Safety Committee meeting of December 13, 2016.

This Action Item is specifically related to the implementation and furtherance of the recommendations of the Independent Oversight and Investigations Subcommittee for the establishment and scope of an Office of Independent Police Auditor, consistent with the presentations and discussions at the July 19, 2016, Public Safety Committee meeting. Included in this committee meeting for presentations and discussion were the Chief of Police, the Chair of the Commission's Independent Oversight and Investigations Subcommittee, sworn police officer representatives and, via teleconference, the Independent Auditor for the City and County of Denver, Colorado, representing the National Association for Civilian Oversight of Law Enforcement (NACOLE).

Fundamental to the recommendations of the Independent Oversight and Investigations Subcommittee is that the Board adopt recommended changes, consistent with the Code of the Commonwealth of Virginia and County policies, that will help the County achieve its goals of maintaining a safe community, enhancing a culture of public trust, and ensuring that policies provide for the fair and timely resolution of police-involved incidents. These recommendations are aimed at building and maintaining public trust in the Police Department and its officers by the establishment of an Office of Independent Police Auditor, a function in line with the recommendations of the Final Report of the President's Task Force on 21st Century Policing, May 2015. Recommendation 2.8 of that report states, "Some form of civilian oversight of law enforcement is important in order to strengthen trust with the community. Every community should define the appropriate form and structure of civilian oversight to meet the needs of that community."

In its final report, the Commission's Independent Oversight and Investigations Subcommittee made 24 overall recommendations. Ten of those recommendations, numbers 8-17 as in their report, were specific to the establishment of an Office of Independent Auditor and its scope and are listed below as presented in the report:

- 8) The Fairfax County Board of Supervisors shall establish the Office of Independent Police Auditor ("Auditor").
 - a) The Auditor shall be appointed by and report directly to the Board of Supervisors.
 - b) The Auditor shall have experience in, inter alia, public safety, public program auditing, the investigation of police operations and use of force incidents. In order to ensure the Independent Auditor is perceived as truly independent, the

- Auditor shall have never been employed by Fairfax County.
- c) The Auditor shall review (i) all investigations of Death or Serious Injury Cases conducted by the IAB; and (ii) all UOF investigations by IAB which are the subject of a public complaint made to the FCPD or the Auditor.
 - d) The Auditor shall have full access to the MCD criminal investigation file as well as full access to the IAB file, including any administrative action taken, for each investigation reviewed. The Auditor shall be entitled to receive copies of any portion(s) of such files.
 - e) The Auditor shall determine with respect to each such MCD and IAB investigation its thoroughness, completeness, accuracy, objectivity and impartiality.
 - f) The Auditor shall be appointed by the Board of Supervisors for a term not less than 2 years and not more than 5 years, with a goal of maintaining continuity and independence, subject to dismissal only for good cause.

9) The Auditor shall participate in and monitor IAB investigations within its scope of responsibilities.

- a) The County Executive or his/her designee shall require, subject to discipline up to and including termination, the attendance and testimony of any Fairfax County employee, including all Fairfax County law enforcement officers, whose appearance at the interview is requested by the Auditor, and shall also require the production of any documents or other materials in the possession of the FCPD or other County offices and departments.

10) If the Auditor determines that an IAB investigation was deficient or that IAB's conclusions as to the relevant facts were incorrect or unsupported by the evidence, the Auditor may request further investigation by IAB or the Auditor may conduct such further investigation.

11) Absent good cause, the Auditor shall issue a public report with respect to each reviewed investigation within sixty (60) days of the Auditor's access to the complete IAB file.

12) The FCPD shall provide a public report quarterly to the Auditor on the disposition of all citizen complaints made against the FCPD. The Auditor shall be provided such additional information as the Auditor may deem necessary to enable him/her to determine that the FCPD is properly responding to and investigating complaints in a timely manner.

13) An individual may file a complaint concerning alleged misconduct by a Fairfax County law enforcement officer involving a Death or Serious Injury Case, the use of force, or the death of an individual with the FCPD for investigation.

a) The citizen may instead file the complaint with the Auditor, who shall immediately forward the complaint to the FCPD for investigation, which will report on the disposition of the complaint within 30 days.

14) If the Auditor disagrees with the results or conclusions of an IAB investigation, the Auditor shall advise the FCPD Chief of Police who shall resolve the disagreement and make the final decision. The Chairman of the Board of Supervisors shall be informed of the Auditor's disagreement and the ultimate resolution. The Chief's decision shall be made in a public statement that sets forth the basis for the Chief's resolution of the disagreement.

15) The Auditor shall make public recommendations to the FCPD Chief of Police, with copies to the Chairman of the Board of Supervisors, concerning the revision of FCPD policies, training, and practices based on the Auditor's reviews. The Auditor shall also issue a public report annually concerning the thoroughness, completeness, accuracy, objectivity and impartiality of the IAB investigations reviewed by the Auditor.

16) The Auditor shall have an adequate budget and a trained staff to meet his/her responsibilities. The Auditor's office shall be separate and apart (physically and administratively) from those of the FCPD and the Commonwealth's Attorney.

17) Any findings, recommendations and actions taken by the Auditor shall reflect the Auditor's independent judgment. No person shall use his/her political or administrative position to attempt to unduly influence or undermine the independence of the Auditor, or his/her staff or agent, in the performance of his/her duties and responsibilities.

These recommendations are also listed on the *Ad Hoc Police Practices Review Commission Report Recommendations Assignment and Tracking Spreadsheet* (Attachment 4) as IOV&I 8 through 17, inclusive.

It is recommended that the Board adopt Recommendations 8 a., b., c., e. and 11-17 as written, establishing an Office of Independent Police Auditor.

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Based on staff review, discussion at Public Safety Committee meetings, and a legal review, revised language for Board adoption is proposed for Recommendations 8.d, 8.f, 9, 9.a, and 10. The proposed revised language for each is as follows:

~~Recommendation 8. d) The Auditor shall have full access to the MCD criminal investigation file as well as full access to the IAB file, including any administrative action taken, for each investigation reviewed. The Auditor shall be entitled to receive copies of any portion(s) of such files.~~

Upon the completion of a criminal case or upon the Commonwealth's Attorney announcement of declination of prosecution, the Auditor may request a copy of the criminal investigation regarding those cases under the purview of the Office of the Auditor. The request should be made through the Chief of Police. At that time, the Auditor is entitled to receive copies of any portion of such criminal investigative files, subject to redactions of legally privileged information, confidential information, or information which may reveal any protected personal information such as medical history protected by the Health Insurance Portability and Accountability Act (HIPAA) or any other privileged information, not already a public record. Additionally, the Auditor will be contemporaneously briefed on the associated IAB investigations and have access to IAB files, including any administrative action taken, for each investigation reviewed. The Auditor shall communicate any investigative concerns to the Chief of Police in a collaborative manner to ensure all administrative investigations are thoroughly completed. The Auditor will be responsible for maintaining these files in accordance with federal, state and local laws governing the confidentiality of such.

~~Recommendation 8. f) The Auditor shall be appointed by the Board of Supervisors, for a term not less than 2 years and not more than 5 years, with a goal of maintaining continuity and independence, subject to dismissal only for good cause as an at will position serving at the pleasure of the Board.~~

~~Recommendation 9. The Auditor shall participate in and monitor and review IAB investigations within its scope of responsibilities.~~

~~Recommendation 9. a) The County Executive or his/her designee shall require, subject to discipline up to and including termination, the attendance and testimony of any Fairfax County employee, including all Fairfax County law enforcement officers, whose appearance at the interview is requested by the Auditor, and shall also require the production of any documents or other materials in the possession of the FCPD or other County offices and departments.~~

The role of the Auditor is not to conduct investigations, but to review IAB investigations within the scope of its responsibilities to determine the

thoroughness, completeness, accuracy, objectivity and impartiality. If, based on that review, the Auditor determines that Police Department employees should be interviewed or re-interviewed by IAB or other Police Department investigating authority the Auditor should collaborate with the Chief of Police to bring forward their concerns, questions, and/or recommendations. The Chief of Police and Police Department shall work collaboratively with the Auditor and provide appropriate contemporaneous briefings on IAB investigations within the Auditor's scope and all appropriate and relevant information and materials for review.

Recommendation 10. If the Auditor determines that an IAB investigation was deficient or that IAB's conclusions as to the relevant facts were incorrect or unsupported by the evidence, the Auditor may request further investigation by IAB or the Auditor may conduct such further investigation or other Police Department investigating authority through the Chief of Police.

Staff recommends that the Board adopt additional language to the scope of the Independent Police Auditor. The proposed language is as follows

The Auditor may be directed by the Board, County Executive or his designee, at their discretion, to review and report on policy and/or procedural matters.

The Independent Oversight and Investigations Subcommittee made additional recommendations, to include the creation of a Civilian Review Panel, which will be discussed and considered by the Board at upcoming scheduled Public Safety Committee meetings. If a Civilian Review Panel were approved, it is proposed the Office of Independent Police Auditor would interact with the Panel and also provide any required staff support within the duties and responsibilities of 3/3.0 FTE positions.

FISCAL IMPACT:

If approved, the estimated full-year annual fiscal impact of creating the Office of Independent Police Auditor is \$433,249, including \$305,992 in salary/operating costs and \$127,257 in fringe benefits. This funding supports 3/3.0 FTE positions, including 1/1.0 FTE Independent Police Auditor, 1/1.0 FTE Independent Police Auditor, Analyst II and 1/1.0 FTE Independent Police Auditor, Analyst I, as well as associated Operating Expenses. Funds to support the creation of this function are available in the FY 2017 Adopted Budget Plan funded reserve of \$2,407,036 earmarked to support recommendations from the Ad Hoc Police Practices Review Commission. After this action, the reserve will still have \$1,973,787 remaining for additional Ad Hoc related priorities to be determined by the Board in the future. Formal reallocation of the funds from the Ad Hoc Reserve to the new agency will be included as part of the *FY 2017 Third Quarter*

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Review; however this will not preclude spending of these funds prior to the approval of Third Quarter if necessary.

ENCLOSED:

Attachment 1: Draft Job Ad for Independent Police Auditor

Attachment 2: Ad Hoc Police Practices Review Commission Report
Recommendations Assignment and Tracking Spreadsheet

STAFF:

David M. Rohrer, Deputy County Executive

Colonel Edwin C. Roessler Jr., Chief of Police

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AD HOC POLICE PRACTICES REVIEW COMMISSION REPORT RECOMMENDATIONS ASSIGNMENT AND TRACKING SPREADSHEET								
NUMBER <i>(original or assigned)</i>	TOPIC	REPORT PAGE	RECOMMENDATION NARRATIVE	LEAD AGENCY / ENTITY	OTHER AGENCIES / STAKEHOLDERS	LINK PERF REPORT / CALEA	POTENTIAL LEGAL REVIEW / LEGISLATIVE CHANGE REQUIRED	APPROVING AUTHORITY <i>(i.e., BOS, PD, CSB, etc.)</i>
COMMUNICATIONS SUBCOMMITTEE								
COMM - 1	Timely Info Disclosure	46	Provide accurate, timely and actionable information (good or bad) using redundant forms of communication.	Police Dept. (PD)	Office of Public Affairs (OPA)	PERF #70		Police Dept. (PD)
COMM - 2	Timely Info Disclosure	46	Adopt a "predisposition to disclose" approach with public records presumed to be public and exceptions strictly and narrowly construed.	PD	Co. Atty's Office, OPA	PERF #70		Board of Supervisors (BOS)
COMM - 3	Timely Info Disclosure	46	Share and regularly update details of all officer-involved shootings in multiple ways; disclose not only facts, but also procedures and timing.	PD	Co. Atty's Office, OPA	PERF #70		BOS
COMM - 3a	Timely Info Disclosure	46	Provide the name of the officer(s) as soon as possible but preferably within a week. If a decision is made not to release the name within a week, publicly share specific information that illustrates the reason the name is being withheld.	PD	Co. Atty's Office, Commonwealth's Attorney's Office (CWA)			PD
COMM - 3b	Timely Info Disclosure	47	In cases where a suspect is deceased as a result of an officer-involved shooting, make available immediately upon FOIA request all body-camera, in-dash camera or audio recordings of responding officers to an incident.	PD	Co. Atty's Office, CWA, OPA, Dept. of Information Technology (DIT)		Yes	BOS
COMM - 3c	Timely Info Disclosure	47	In officer-involved shootings where a suspect is shot but not deceased, provide a citizens' committee (a communications advisory committee appointed by either the Board of Supervisors or the Chief of Police to carry out this function) access to the recordings for a recommendation on release which should balance public and private interest. This committee's recommendation would be submitted to the Chief of Police who would factor it into a final decision.	PD	Co. Atty's Office, CWA, OPA		Yes	BOS
COMM - 3d	Timely Info Disclosure	47	All digital recordings in officer-involved shooting investigations should be carefully preserved, and investigations should end with the public release of all digital recordings within 6 months of the incident.	PD	Co. Atty's Office, CWA, OPA		Yes	BOS
COMM - 4	Timely Info Disclosure	47	Annually report on the demographics of the subjects in all use-of-force incidents including race, gender, age, whether mental health status was a factor, previous involvement with FCPD and any other data.	PD	OPA, CSB	PERF #70	Yes	PD
COMM - 5	Timely Info Disclosure	47	Devote more effort to sharing day-to-day information of police activity with the public. Facilitate unfettered access to blotter-type information, to include a list of every incident and call with the basic who/what/when/where/how information.	PD	OPA, DIT	PERF #70		PD
COMM - 6	Timely Info Disclosure	47	Include incident based reporting (IBR) categories of statistical crime information broken down by district stations and provided quarterly in accessible, comprehensive online reports. Provide quarterly information by district for all use-of-force and officer involved shootings, CIT calls for service, traffic and pedestrian accidents.	PD	OPA, DIT		Yes	PD
COMM - 7	Community Engagement	47	Embrace and practice increased, proactive community engagement.	PD	OPA			PD
COMM - 7a	Community Engagement	47	Communicate with key community leaders as soon as bad news breaks.	PD	OPA			PD
COMM - 7b	Community Engagement	47	Hold community meetings early and often.	PD	OPA			PD
COMM - 7c	Community Engagement	48	Continue cross-district command meetings to increase situational awareness, spot trends and provide a centralized forum to identify and coordinate responses to emerging community issues.	PD				PD
COMM - 7d	Community Engagement	48	Create a "Community Engagement Team" within FCPD to respond to community concerns and manage programs that create community trust and engagement. The team members should be fluent in the language and knowledgeable of the customs of the particular community they serve, and the team should reflect the diversity of Fairfax County in order to best serve as liaisons between the community and FCPD.	PD	DMB			BOS
COMM - 8	Community Engagement	48	Continue supporting Citizen Advisory Committees (CAC); Chief's Citizens Advisory Council; and Citizen's Police Academy (CPA) classes.	PD	Citizen Advisory Committees (CAC), Citizens Police Academy (CPA), OPA			PD
COMM - 8a	Community Engagement	48	Expand promotion of these valuable public forums.	PD	CACs, OPA			PD
COMM - 8b	Community Engagement	48	Improve and expand CAC and Chief's Citizens Advisory Council succession planning and online information.	PD	CACs, OPA			PD
COMM - 8c	Community Engagement	48	Increase the meeting frequency of the Chief's Citizens Advisory Council from four meetings per year to 10 monthly meetings to be in line with the 10 monthly CAC meetings.	PD	CACs			PD

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COMM - 8d	Community Engagement	48	The structure of the eight CACs and the Chief's Citizens Advisory Council should facilitate a two-way flow of information about police services.	PD	CACs			PD
COMM - 8e	Community Engagement	48	Expand the CPA program by offering a compact, three-hour version in addition to the current 10-session program and include in the CPA training the best practices and reports discussed at meetings of the Ad Hoc Police Practices Review Commission and subcommittee meetings.	PD	CPA			PD
COMM - 8f	Community Engagement	48	The CPA should be designed and structured to be understood by all in the diverse communities of Fairfax County.	PD	OPA			PD
COMM - 9	Policies, Procedures & Personnel	48	Hire a civilian public information officer (a professional communicator knowledgeable of best communication practices and experienced in the practice and ethics of media and journalism) to lead the FCPD public information office, and have that position and function report directly to the Police Chief.	PD	Dept. of Human Resources (DHR), OPA	PERF #70		PD
COMM - 10	Policies, Procedures & Personnel	48	Fund and employ 24/7 PIO staff in the central Public Information Office with additional PIO staff assigned to each district station.	PD	DMB	PERF #70		BOS
COMM - 11	Policies, Procedures & Personnel	48	The Chief of Police should be the official spokesperson for officer-involved shootings.	PD	Co. Atty's Office		Yes	PD
COMM - 12	Policies, Procedures & Personnel	48	Develop a policy statement regarding FCPD PIO release of information for critical events to include hte relationship with the Office of Public Affairs (OPA) and the process for a hand-off to OPA in certain situations.	PD	OPA, Co. Atty's Office	PERF #70		PD
COMM - 13	Policies, Procedures & Personnel	49	FCPD should prioritize realignment of resources to ensure more transparency, and become the trusted and valued source of information for Fairfax County.	PD				PD
COMM-14	Policies, Procedures & Personnel	49	FCPD should develop a continuous process of information declassification, to ensure proactive information release for cases that are no longer active.	PD	Co. Atty's Office		Yes	PD
COMM - 15	Policies, Procedures & Personnel	49	Current FCPD policies overemphasize the media, FCPD should use its own platforms and tools to share information directly with the public. Policies should reflect the communications paradigm by promoting more community engagement and direct information dissemination to the community.	PD	OPA			PD
COMM - 16	Policies, Procedures & Personnel	49	Shorten the current 6-20 month timeframe to internally investigate and close officer-involved shooting cases; throughout the investigation be responsive to questions and concerns from the public, news media, and elected officials. <u>It is recommended the Board of Supervisors take an active approach throughout the investigative stage by periodically requesting and receiving updates on such incidents in a public forum.</u>	PD	Co. Atty's Office, CWA	PERF #70	Yes	BOS
COMM - 17	Policies, Procedures & Personnel	49	Update policies (with the assistance of FCPD Community Engagement Team members) and mandate usage of plain language that is culturally appropriate for the diverse communities in Fairfax County to eradicate any perceived biases.	PD	OPA			PD
COMM - 18	F.O.I.A.	49	The Board of Supervisors should publicly adopt a resolution (and forward it to the County's delegation in the General Assembly) to revisit FOIA laws with an eye toward expanding instead of limiting the public release of information related to police-involved shootings and other police practices and procedures.	BOS	PD, Co. Atty's Office, CWA, OPA		Yes	BOS
COMM - 19	F.O.I.A.	49	The County Executive should establish a countywide FOIA policy and procedure through issuance of a new procedural memorandum that would replace former County Executive Griffin's memo regarding FOIA compliance, which currently guides county staff. The new policy should encourage transparency and accountability by establishing a culture of disclosure. It should give guidance to all county staff custodians of public records to lean automatically toward releasing all public records upon request, changing the current practice of automatically withholding all exempt records.	Co. Atty's Office	County Executive's Office, OPA		Yes	Co. Exec.
COMM - 20	F.O.I.A.	49	Where possible, release police reports with redactions rather than creating a summary document.	PD	Co. Atty's Office, CWA, OPA		Yes	PD

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COMM - 21	F.O.I.A.	50	Develop FCPD administrative guidelines for FOIA, even in the absence of FOIA reform at the state level.	PD	Co. Atty's Office, OPA		Yes	PD
COMM - 22	F.O.I.A.	50	Move function and staff for responding to FOIA requests out of Internal Affairs and into the FCPD Public Information Office.	PD	Co. Atty's Office			PD
COMM - 23	F.O.I.A.	50	Cease the blanket approach to FOIA requests; when records are withheld, an explanation should be provided without merely claiming exemption.	PD	Co. Atty's Office		Yes	PD
COMM - 24	Transparency	50	With goal of becoming a transparent and highly accountable police department, the Department should make proactive statements to the community it serves, communicating with the public on all aspects of police procedure, policy, and actions, particularly in an officer-involved shooting or other high-profile incident involving use of force. The use of numerous communications channels should be utilized to explain what happened, what is known at the time, what is revealed over time, and lessons learned and perspective after the fact.	PD	Co. Atty's Office, OPA,			PD
COMM - 25	Transparency	50	Fairfax County should adopt the type of progressive release of information practices and policies that govern most states as FCPD's current practices on releasing information is not aligned with agencies located outside the Commonwealth of Virginia.	PD	Co. Atty's Office, all County agencies		Yes	BOS
COMM - 26	Transparency	50	Create and utilize written standards and criteria for the day-to-day release of information from FCPD PIO to standardize information flow/release, and to enhance professional communications, transparency, and accountability.	PD	Co. Atty's Office, OPA			PD
COMM - 27	Transparency	50	Get "buy-in" and cooperation from all levels of the FCPD to improve communications and expand information release.	PD				PD
COMM - 28	Transparency	50-51	Basic requests for information should be addressed in a timely manner by openly providing routine information about incidents, activities, calls, investigations (internal and external) with unfettered public access.	PD		PERF #70		PD
COMM - 29	Transparency	51	Endorse and implement the recommendations of the final report of The President's Task Force on 21st Century Policing, dated May 2015, that are related to communications, which call for such actions as making all Department policies available for public review, clearly stating what types of information will be released, when and in what situation after serious incidents; communicating swiftly, openly and neutrally while complying with legal requirements related to confidentiality.	PD	OPA			PD
COMM - 30	Transparency	51	Create a change management process to change the FCPD culture and facilitate the successful implementation of the improved policies.	PD	DHR	PERF #71		PD
COMM - 31	Transparency	51	Endorse and implement communications-related recommendations contained in the report of the U.S. Conference of Mayors' Working Group of Mayors and Police Chiefs, "Strengthening Police-Community Relations in America's Cities."	PD	OPA			PD
COMM - 32	Transparency	51	Endorse and implement communications-related recommendations from PERF's use-of-force policy and practice review of FCPD.	PD	OPA	PERF #70		PD
COMM - 33	Open Data	51	Develop an open data policy to improve transparency; this will reduce the cost of responding to FOIA requests, since data and reports will be published online making FCPD more efficient and serving community needs more effectively.	PD	Co. Atty's Office, OPA, DIT		Yes	PD
COMM - 34	Open Data	51	Provide more specificity and detail in crime stats and information released by the district stations.	PD	Co. Atty's Office, DIT	PERF #70		PD
COMM - 35	Open Data	51	Make all department policies and procedures available for public review online, updating them as needed.	PD	Co. Atty's Office	PERF #70	Yes	PD
COMM - 36	Moving Forward	52	The Board of Supervisors should publicly set dates for community forums to revisit the recommendations of the Ad Hoc Police Practices Review Commission and the progress made toward their implementation. These reviews should take place in April 2016, October 2016, April 2017 and annually thereafter. Other methods should also be used to update the public, possibly an online 'report card' that is continually updated.	Dep. Co. Exec. for Public Safety	PD, CSB, Sheriff's Office (SO), CWA, OPA			BOS

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COMM - 37	Moving Forward	52	Recommends that this subcommittee continue its service beyond presentation of its final report, in order to meet with the PERF contractors conducting an independent review of the county's communications practices and review and comment on the PERF report and recommendations when they are finally submitted.	Dep. Co. Exec. for Public Safety				Dep. Co. Exec. for Public Safety
COMM - 38	Moving Forward	52	Anticipating a proposal for an independent citizen oversight group emerging from the Investigations and Oversight Subcommittee, it is recommended that any group established be mandated to provide robust communications in a transparent process that keeps the community informed and ensures a culture of public trust.	Dep. Co. Exec. for Public Safety	PD, OPA		Yes	BOS
RECRUITMENT, DIVERSITY AND VETTING SUBCOMMITTEE								
RD&V - 1	Recruitment	58	Provide a referral incentive for employees who are successful in recruiting personnel into the Department.	PD	DHR, Co. Atty's Office, DMB			BOS
RD&V - 2	Recruitment	58	Develop and implement a marketing plan for all programs and vacancies to include e-mail blasts to interfaith organizations and School Career Centers.	PD	OPA, NCS/Community Interfaith Coordination, Faith Communities in Action (FCIA), Fairfax County Public Schools (FCPS)			PD
RD&V - 3	Recruitment	58	Expand the Explorer and Cadet programs to include a diverse pool of participants.	PD	DHR, FCPS			PD
RD&V - 4	Recruitment	58	Enter into a Recruitment Agreement with all Cadets to include reimbursement of educational expenses for breach of contract.	PD	Co. Atty's Office, DHR, DMB		Yes	BOS
RD&V - 5	Recruitment	58	Collaborate and build recruitment-oriented partnerships with key segments of the Fairfax County community to further diversify both the applicant pool and workforce to more closely reflect the community.	PD	DHR, FCPS, Faith Communities in Action (FCIA)			PD
RD&V - 6	Recruitment	58	Identify ways to reduce the time from application to hiring (includes staffing resources).	PD	DHR, DMB			BOS
RD&V - 7	Recruitment	58	Formalize the selection process by putting certain standards and processes into writing.	PD	DHR, Co. Atty's Office	PERF #1	Yes	PD
RD&V - 8	Recruitment	58	Ensure written directives are kept up to date.	PD		PERF #2		PD
RD&V - 9	Recruitment	58	Create a diverse Selection Review Committee that includes community leaders.	PD	DHR, Co. Atty's Office	PERF #3	Yes	PD
RD&V - 10	Diversity	59	Establish a diversity goal for each commander, making them responsible for enhancing the diversity within the department. The progress toward achieving that goal should be reflected in the performance management system.	PD	DHR			PD
RD&V - 11	Diversity	59	Educate and train recruiting and selecting officers about implicit bias, which the current neuroscience research shows can occur even in people with no-prejudiced attitudes, and the impact on both individual and organizational selection decision.	PD	DHR			PD
RD&V - 12	Vetting	61	Increase resources in order to reduce length of time it takes to conduct background investigations and polygraphs.	PD	DMB			BOS

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RD&V - 13	Vetting	61	Formalize the officer selection process.	PD	DHR	PERF #1		PD
RD&V - 14	Retention	62	The Board of Supervisors should continue to work with the Department's Pay and Benefits Committee to ensure competitive salaries and benefits to secure and maintain a diverse workforce.	PD	DHR, DMB			BOS

MENTAL HEALTH AND CIT SUBCOMMITTEE

MH-CIT - 1	FCPD	81	Establish Memphis Model/Virginia CIT Essential Elements. FCPD should immediately establish the Memphis Model for Crisis Intervention Team training as adopted by the Virginia Essential Elements of CIT, ensuring each squad has a CIT trained officer and creating a specially squad of selected CIT officers to work closely with CSB and Mobile Crisis units.	PD	CSB	PERF #58, 67, 68	Yes	PD & BOS
MH-CIT - 2	FCPD	82	Attract the right officers for CIT, FCPD should create incentives, such as flexible shift hours, to make serving on a Crisis Intervention Team attractive to potential volunteers	PD	DMB, CSB			PD
MH-CIT - 3	FCPD	82	The subcommittee recommends that the FCPD create a uniform pin to identify Crisis Intervention Team Trained officers to the public.	PD				PD
MH-CIT - 4	FCPD	82	Make CIT a requirement for selected command assignments. The subcommittee recommends that FCPD leadership consider CIT training and experience in selections to certain command positions, for instance in the patrol division.	PD	DHR	PERF #57		PD
MH-CIT - 5	FCPD	82	Form teams. The subcommittee recommends that officers detailed to Crisis Intervention Teams maintain their regular patrol duties, but also form partnerships with mental health workers and community partners trained and experienced in dealing with residents living with mental illness. These teams would be available to be dispatched to identified mental health calls.	PD	CSB	PERF #67		PD & Community Services Board (CSB)
MH-CIT - 6	FCPD	82	Be proactive. The subcommittee recommends that Crisis Intervention Teams be empowered to work proactively to help mentally ill persons obtain treatment and take other steps to manage their illness, diverting them from the criminal justice system and the courts.	PD	CSB, Courts, CWA			PD
MH-CIT - 7	FCPD	83	Integrate dispatch personnel. The subcommittee recommends 100% of all dispatchers continue to receive at least eight hours of CIT training.	Dept. of Public Safety Communications (DPSC)	PD, CSB	PERF #69		Dept. of Public Safety Communications (DPSC)
MH-CIT - 8	FCSO & CSB	84	Implement "Stepping Up." The Board of Supervisors, the CSB, the Judiciary, State legislators, and the Sheriff's Office should collaborate to implement a community-wide system of care overhaul using the BOS-endorsed, national initiative known as "Stepping Up."	CSB	Multiple			BOS
MH-CIT - 9	FCSO & CSB	84	Fully implement Diversion First. The subcommittee recommends Fairfax County develop a mechanism for oversight of systems of mental health/substance use/justice services — a diversion-oriented system of care collaborative stakeholder group now known as "Diversion First."	CSB	PD, SO		Yes	BOS
MH-CIT - 10	FCSO & CSB	84	Identify and collect pertinent data to establish metrics for success. The subcommittee strongly emphasizes the importance of data collection and its intimate linkage to measuring the progress and impact of CIT programs.	CSB	PD, SO, DIT			CSB
MH-CIT - 11	FCSO & CSB	85	Increase language and cultural competency. The subcommittee recommends that Fairfax County increase services to special populations to include cultural competency to better serve non-English-speaking justice-involved individuals, as de-escalation and diversion require the ability to effectively communicate with persons.	CSB	PD, SO			BOS

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MH-CIT - 12	FCSO & CSB	85	Provide CIT Training to jail and custodial personnel. The subcommittee recommends that the Sheriff's Office provide the forty-hour Crisis Intervention Team training course to deputies detailed to courtroom security and deputies working inside the Adult Detention Center.	SO	CSB, PD			SO
MH-CIT - 13	FCSO & CSB	85	Establish strategically located CIT assessment sites. The subcommittee recommends that Fairfax County establish strategically located 24-hour assessment sites staffed and operated by CSB, FCPD, and the Sheriff's Office collaboratively.	CSB	PD, SO, DMB			BOS
MH-CIT - 14	FCSO & CSB	86	Redeploy CSB to provide services when they are needed most. The subcommittee recommends that the CSB should redeploy both forensic and community-based teams to expand capacity to provide mental health services at each point in the criminal/community mental health continuum rather than incarcerate individuals.	CSB	PD, SO			CSB
MH-CIT - 15	FCSO & CSB	86	Expand Mobile Crisis Unit (MCU) program to strategic locations in Fairfax County. MCU is an emergency mental health program of the Fairfax-Falls Church Community Services Board that provides on-scene evaluation, treatment, and crisis intervention in the community. The recommendation is to have MCUs by Jan. 1, 2017.	CSB				BOS
MH-CIT - 16	FCSO & CSB	87	CSB and Sheriff's Office to consider increasing behavioral health clinician staff hour availability inside the Adult Detention Center (ADC), to include not only on-site, but through technology.	CSB	SO, DIT			CSB & Sheriff's Office (SO)
MH-CIT - 17	FCSO & CSB	87	Increase release planning to support successful reentry. The subcommittee recommends that more CSB staff resources be devoted to release planning inside the ADC. It is also recommended that Dept. of Family Services (DFS) make available resources to initiate benefit eligibility determination.	CSB	SO, Dept. of Family Services (DFS)			CSB
MH-CIT - 18	FCSO & CSB	87	Review pharmacy policies inside the ADC. The subcommittee recommends that the CSB and ADC medical staff review policies, especially for psychotropic medications, to ensure that inmates receive the most effective treatment relative to their conditions and medical histories by January 1, 2016.	SO	CSB		Yes	CSB & SO
MH-CIT - 19	Judiciary & Mental Health Dockets	88	Implement Mental Health dockets. The subcommittee recommends that Fairfax County work with judges and the Clerk of the Court to establish a Mental Health Docket for both adults and juveniles by January 1, 2016.	Dep. Co. Exec. for Public Safety (preliminary)	Courts, Clerk of the Court, CWA, CSB, PD, SO		Yes	BOS & Courts
MH-CIT - 20	Judiciary & Mental Health Dockets	88	Encourage Mental Health Awareness training for the judiciary. The subcommittee recommends that appropriate mental health awareness training be developed and deployed for judges, magistrates, probation and parole officers, and other officials who may come into contact with people who are living with mental illness by January 1, 2016.	CSB	Courts, Magistrates, Probation & Parole, Others			CSB
MH-CIT - 21	VA CIT Elements	89	Establish standing law enforcement Mental Health Units staffed by full-time police officers and deputies tasked with responding to individuals experiencing a mental health crisis.	PD & SO	CSB, DMB, Co. Atty's Office			BOS
MH-CIT - 22	VA CIT Elements	89	Institute plainclothes Mental Health Unit officers. Mental Health Unit officers in Bexar County wear civilian clothing and use unmarked vehicles during the course of their duties to avoid unintentionally escalating a mental health crisis.	PD & SO	PD, CSB			PD & SO
MH-CIT - 23	VA CIT Elements	89	Re-focus and develop a full range of mental health and disability awareness training at the Criminal Justice Academy. CIT is important, but other trainings are also vital.	PD	PD, CSB			PD & SO
MH-CIT - 24	VA CIT Elements	90	Clarify mental health response protocols for first responders. The Fairfax County Fire and Rescue responds to more than 50,000 calls annually, and must transport some individuals without a medical condition to emergency rooms rather than a mental health facility as this is required by the Code of Virginia. Subcommittee recommends the Board of Supervisors consider supporting a bill that would allow first responders to transport individuals whose primary condition is a mental health issue directly to a mental health facility once medically cleared by an EMT.	Fire and Rescue Dept. (FRD)	Govt. Relations, CSB, Co. Atty's Office		Yes	BOS

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MH-CIT - 25	VA CIT Elements	90	Involve peers whenever and wherever possible. According to Virginia's Essential Elements program guide for CIT, dynamic community involvement should reflect the composition of the local community, with particular emphasis on the inclusion of persons with mental illness.	CSB	PD, SO	PERF #67		CSB
MH-CIT - 26	Public Outreach	91	Develop a public outreach program. The subcommittee recommends that the FCPD work with the CSB to develop materials for delivery to the public, to increase awareness of steps that may be taken prior to the instance of a potential interaction.	CSB	PD, SO, OPA			CSB

USE OF FORCE SUBCOMMITTEE

UOF - 1	Guiding Philosophy	107	Ensure that FCPD's philosophy, policies and orders promote treating persons respectfully and are protective of their dignity; maintain an appropriate balance between an officer's role as a guardian/warrior or peacemaker/fighter; reinforce a reverence for the sanctity of human life.	PD		PERF #4, 5		PD
UOF - 2a	Guiding Philosophy	107	Adopt policies, programs and practices that require officers to identify themselves by their full name, rank, and command (as applicable) and provide that information, when practicable, on a business card to individuals they have stopped.	PD				PD
UOF - 2b	Guiding Philosophy	107	Adopt policies, programs and practices that, for policing mass demonstrations, continue to employ a continuum of managed tactical resources designed to be protective of officer safety and promote de-escalation of tensions; minimize the appearance of a military operation; and avoid provocative tactics, equipment, and language that might heighten tensions.	PD				PD
UOF - 2c	Guiding Philosophy	108	Adopt policies, programs and practices that continue and strengthen opportunities for patrol officers to regularly interact with neighborhood residents, faith leaders, and business leaders.	PD				PD
UOF - 2d	Guiding Philosophy	108	Adopt policies, programs and practices that reward officers for their efforts to engage members of the community and the partnerships they build and make this part of the performance evaluation process, placing an increased value on developing such partnerships.	PD	DHR			PD
UOF - 2e	Guiding Philosophy	108	Adopt policies, programs and practices that ensure deployment schedules provide sufficient time for patrol officers to participate in problem solving and community engagement activities.	PD				PD
UOF - 2f	Guiding Philosophy	108	Adopt policies, programs and practices that infuse a renewed commitment to community policing throughout the FCPD culture and organizational structure.	PD				PD
UOF - 3	Guiding Philosophy	108	Commit and assure in G.O. 201.6 - PRESERVATION OF PEACE AND PROTECTION OF LIFE AND PROPERTY, that medical assistance will be provided to anyone who is injured, alleges an injury, or requests medical assistance, stating, as follows: <i>It shall be the duty of each sworn officer of the Department to: preserve the public peace; protect life and property; assure medical assistance; and enforce and uphold the laws of the Commonwealth of Virginia and the Ordinances of the County of Fairfax.</i>	PD	Co. Atty's Office		Yes	PD
UOF - 4	Guiding Philosophy	108	Review policies on use of physical control equipment and techniques to assure that they address any unique requirements of vulnerable populations—including children, elderly persons, pregnant women, people with physical and mental disabilities, limited English proficiency, and others deemed appropriate by the on-scene officer(s).	PD	Co. Atty's Office	PERF #7	Yes	PD
UOF - 5	PERF Recommended	109	Implement all PERF Use of Force report recommendations except #54, "termination of the use of PIT." FCPD should complete an analysis for approval by the Board of Supervisors on whether or not to maintain or restrict PIT use. Complete a publicly available and periodically updated action plan that assigns responsibility by name or position and target date for completion of all of the other recommendations.	PD	Co. Atty's Office	PERF #1 - 71 (except #54)	Yes	PD (BOS for PERF Recommendation #54)
UOF - 6	Use of Force Policies	110	Establish a comprehensive and integrated policy on use of force to include training, investigations, prosecutions, data collection and information sharing. This policy must be clear, concise, and openly available for public inspection.	PD	Co. Atty's Office	PERF #13,14,16	Yes	PD
UOF - 7	Use of Force Policies	110	Consistent with the PERF Use of Force report, replace the current Department definition of use of force with a more comprehensive definition. Proposed new language: "Force means the following actions by a member of the department; any physical strike or instrumental contact with a person, or any significant physical contact that restricts movement of a person. Force includes the use of firearms, Electronic Control Weapons (ECWs), chemical spray, bean bag shotgun, PepperBall gun and hard empty hands; the taking of a person to the ground; the use of vehicles; or the deployment of a canine; and excludes escorting or handcuffing a person who is exhibiting minimal or no resistance."	PD	Co. Atty's Office	PERF #12, 13, 30, 45, 46, 47	Yes	PD

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UOF - 8a	Use of Force Policies	110	Amend General Order 540.1, USE OF FORCE, to Establish "sanctity of life" clearly and unambiguously as a philosophy and value system that remains paramount in the mind of every officer.	PD	Co. Atty's Office	PERF #4	Yes	PD
UOF - 8b	Use of Force Policies	110	Amend General Order 540.1, USE OF FORCE, to maintain "objectively reasonable" as the standard to be followed by an officer when determining whether to use force and all references to "reasonable" must therefore be understood to mean "objectively reasonable."	PD	Co. Atty's Office	PERF#8	Yes	PD
UOF - 8c	Use of Force Policies	110	Amend General Order 540.1, USE OF FORCE, to include as the definition of "reasonable: "...use of force is based on the totality of circumstances known by the officer at the time of the use of force and weighs the actions of the officer against his or her responsibility to protect public safety, as well as the suspect's civil liberties."	PD	Co. Atty's Office	PERF #8, 13	Yes	PD
UOF - 8d	Use of Force Policies	110	Amend General Order 540.1, USE OF FORCE, to reword, II. POLICY as follows: "A police officer shall employ only such force in discharge of his or her duty as is objectively reasonable in all circumstances. The use of force is to be generally considered by an officer as a last resort after discussion, negotiation or persuasion have been found to be ineffective or inappropriate in light of the situation. While the use of force is occasionally unavoidable, every police officer will refrain from unwarranted infliction of pain or suffering and will never engage in cruel, degrading or inhumane physical or verbal treatment of any person."	PD	Co. Atty's Office		Yes	PD
UOF - 8e	Use of Force Policies	111	In revising the General Order, and while first and foremost meeting the criteria specified by the Supreme Court, consider the Customs and Border Patrol's definition with regard to "Objectively Reasonable and the Totality of Circumstances," which is as follows: <ol style="list-style-type: none"> i. The reasonableness inquiry for an application of force is an objective one; the question is whether the officer's actions are objectively reasonable in light of the totality of facts and circumstances confronting him or her, without regard to underlying intent or motivation. ii. In determining whether a use of force is "objectively reasonable" an officer must give careful attention to the totality of facts and circumstances of each particular case, including: <ol style="list-style-type: none"> 1. Whether the suspect poses an imminent threat to the safety of the officer/agent or others; 2. The severity of the crime at issue; 3. Whether the suspect is actively resisting seizure or attempting to evade arrest by flight; 4. Whether the circumstances are tense, uncertain and rapidly evolving; and 5. The foreseeable risk of injury to involved suspects and others. iii. Totality of circumstances refers to all factors existing in each individual case. In addition to those listed in subsection e.ii., these factors may include (but are not limited to) the: <ol style="list-style-type: none"> 1. training, mental attitude, age, size and strength of the officer; 2. training, mental attitude, age, size and perceived strength of the suspect; 3. weapon(s) involved; 4. presence of other officers, suspects or bystanders; and 5. environmental conditions. 	PD	Co. Atty's Office		Yes	PD
UOF - 8f	Use of Force Policies	111	Institute the following use of firearms requirements, by establishing or clarifying that: <ol style="list-style-type: none"> i. the act of a police officer placing his or her weapon "in a ready gun position" at a suspect will be a reportable action [NOTE: Unholstering his or her weapon, pointing downward toward the ground next to an officer's leg, with finger on frame of weapon, is not to be a reportable action in the context of this policy as officers may do so when they reasonably believe or know suspects are nearby, i.e., entering a dark building, alley, other location of concern.]; ii. the "ready gun" position is defined as pointing the weapon, with finger on the frame of the weapon, so the officer can see the suspect's hands and waist; iii. the officer must announce "Police!" after and not before attaining the "ready gun" position and if feasible followed by simple, specific and clear direction to the suspect; iv. the "ready gun" position will be utilized in the specific circumstance where it is necessary to establish control and gain compliance through the pointing of a firearm; v. the pointing of the firearm will be considered non-deadly use of force in this circumstance if the weapon is not aimed at center of mass, which is normally the chest; and vi. an officer's finger should be moved from the frame to the trigger of a weapon only if the use of deadly force is authorized under the objectively reasonable standard, which would exclude pointing a weapon at center of mass simply for control and compliance under the "ready gun" position addressed in iv. above. 	PD	Co. Atty's Office		Yes	PD
UOF - 8g	Use of Force Policies	112	Requirements for assuring medical assistance should be instituted consistent with the following: <ol style="list-style-type: none"> i. State in Section II that "[i]n all situations, medical assistance shall be provided promptly to any person who is obviously injured, alleges an injury, or requests medical assistance." ii. Incorporate a separate implementation section, including a requirement that an operational and implementation plan be created and incorporated in the General Order. iii. Assure that any such plan includes ECW (Taser) non-lethal incidents and specifies the officer's medical action requirements in the event that an ECW deployment is taken against a suspect. 	PD	Co. Atty's Office		Yes	PD

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UOF - 8h	Use of Force Policies	112	A requirement should be established with regard to the state of the officer at the time of an officer involved death or serious injury per the following: Drug and steroid testing will be conducted on police officers involved in incidents that result in death or serious injury as soon as possible after the incident but not longer than an amount of time as determined by medical experts to detect whether drugs or steroids were present in the officers at the time of the incident.	PD	DHR, Co. Atty's Office		Yes	BOS
UOF - 9	Use of Force Policies	112	Benchmark FCPD Use of Force policies and practices with those of five urban jurisdictions that are comparable in their economic base, population density, and population demographics to Fairfax County.	PD				PD
UOF - 10	Use of Force Policies	112	Restrict vehicle pursuit to only those situations where there is a reasonable suspicion that a violent felony has been committed and that there is a potential for imminent risk to public safety and/or injury to individuals if pursuit is not initiated.	PD	DPSC	PERF #52, 53, 54, 55	Yes	PD
UOF - 11	Use of Force Reporting	113	Engage in robust public reporting on the demographics of the suspects in all use of force incidents and in-custody deaths, including for each incident: race, gender, age; any indicators of homelessness and of mental illness and CIT response; any previous involvement with FCPD; the type of weapon, if any, in the suspect's possession; police use of force; and resulting death/injury.	PD	PD, Co. Atty's Office	PERF # 65, 70	Yes	PD
UOF - 12	Use of Force Reporting	113	Collect and publicly report online all uses of force that result in death or serious injury; specifically for purposes of determining (a) whether the actions taken or not taken conformed to FCPD policies and procedures; (b) prior instances of use of force by the officer(s) involved and determination of appropriateness; and (c) opportunities for officer, supervisor, and commander training. (Note: Release of use of force data does not necessarily have to include names of officers or victims until cases are concluded.)	PD	Co. Atty's Office, CWA	PERF # 65, 70	Yes	PD
UOF - 13	Use of Force Reporting	114	Annually report to the U.S. Department of Justice through the FBI's Uniform Crime Reporting System, all use of force and in-custody deaths, and disseminate such data to the public.	PD	OPA	PERF # 65, 70		PD
UOF - 14a	Use of Force Reporting	114	Assure timely and consistent information is presented for all officer involved shootings and lethal incidents within 72 hours, to include a narrative of the incidents and aftermath, updated in real time, including all UOF events that result in death or serious injury, not just shootings.	PD	OPA	PERF # 65, 70	Yes	PD
UOF -14b	Use of Force Reporting	114	Assure timely and consistent information is presented for all officer involved shootings and lethal incidents within 72 hours, to include the details available in all press releases, updates and other public information should be integrated into the summaries, including names suspects and officers and links to press releases and their updates provided.	PD	Co. Atty's Office	PERF # 65, 70	Yes	PD
UOF - 14c	Use of Force Reporting	114	Assure timely and consistent information is presented for all officer involved shootings and lethal incidents within 72 hours, to include demographic information: race, age, gender, whether the call included concerns about a mental health crisis, whether the suspect was homeless.	PD	Co. Atty's Office	PERF # 65, 70	Yes	PD
UOF - 14d	Use of Force Reporting	114	Assure timely and consistent information is presented for all officer involved shootings and lethal incidents within 72 hours, to include information on what special teams were involved, if any.	PD		PERF # 65, 70	Yes	PD
UOF - 14e	Use of Force Reporting	114	Assure timely and consistent information is presented for all officer involved shootings and lethal incidents within 72 hours, to include appropriate information about whether/what discipline was administered in cases with policy violations.	PD	Co. Atty's Office, DHR	PERF # 65, 70	Yes	BOS
UOF - 14f	Use of Force Reporting	114	Assure timely and consistent information is presented for all officer involved shootings and lethal incidents within 72 hours, to include any changes of policy or training that result from review and lessons learned from the use of force incidents.	PD	Co. Atty's Office	PERF #65, 70	Yes	PD
UOF - 15a	Body Cameras	116	Mandate that FCPD police patrol officers employ body cameras to record all interactions with members of the public, contingent on the enactment of laws, policies, and procedures that protect individual privacy.	PD	Co. Atty's Office, DIT, CWA, Govt. Relations		Yes	BOS
UOF - 15b	Body Cameras	116	Mandate that FCPD police patrol officers employ body cameras to record all interactions with members of the public, contingent on the provision that police officers are consulted, with feedback provided as to how their concerns and recommendations were considered.	PD	Co. Atty's Office, DIT, CWA		Yes	BOS

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UOF - 15c	Body Cameras	116	Mandate that FCPD police patrol officers employ body cameras to record all interactions with members of the public, contingent on the implementation of a training program not only for police officers, but the wide-ranging personnel who will oversee, process and manage the digital data, as well as for prosecutors who will use the data for criminal prosecutions.	PD	Co. Atty's Office, DIT, CWA		Yes	BOS
UOF - 16	Tasers / ECW	117	Reclassify Electronic Control Weapons as "less-lethal weapons" rather than "non-deadly weapons" per the recommendation by the 2011 Electronic Control Weapons Guidelines and the PERF Report.	PD	Co. Atty's Office	PERF #30	Yes	PD
UOF - 17	Tasers / ECW	117	Mandate that all uniformed officers in enforcement units carry an ECW on their duty belt (or elsewhere on their person if necessary) when on patrol. The recommendation is contingent on police officers being consulted on how best to implement the all-carry requirement and that feedback be provided to them as to how their concerns and recommendations were considered.	PD	DMB	PERF #32		BOS
UOF - 18	Tasers / ECW	118	Mandate that all detectives and plainclothes officers, regardless of rank, carry an ECW in their vehicles when on duty; contingent on officers being consulted on how best to implement the all-carry requirement and that feedback be provided to them as to how their concerns and recommendations were considered.	PD	DMB			BOS
UOF - 19	Tasers / ECW	118	General Order 540.1, USE OF FORCE - replace all use of the term "excited delirium" with a more medically and physiologically descriptive term.	PD	Co. Atty's Office, CWA	PERF #18	Yes	PD
UOF - 20	Tasers / ECW	118	Prohibit use of an ECW on a handcuffed, or otherwise restrained individual, who is actively resisting, unless an objectively reasonable officer concludes that the resistance could result in serious injury to him or herself or others and less severe force alternatives have been ineffective or are deemed unacceptable for the situation.	PD	Co. Atty's Office	PERF #27	Yes	PD
UOF - 21	Tasers / ECW	118	Prohibit use of an ECW on a frail or elderly person, child or a pregnant woman unless deadly force would otherwise be justified, since they face an elevated risk.	PD	Co. Atty's Office	PERF #28	Yes	PD
UOF - 22	Tasers / ECW	118	Absent exigent circumstances, require supervisory approval for ECW use on a suspect in excess of three cycles.	PD	Co. Atty's Office		Yes	PD
UOF - 23	Tasers / ECW	118	Treat each ECW cycle as an independent application of the device, thus requiring its own justification, since multiple or prolonged ECW shocks may increase the risk of adverse effects on the heart or respiratory system.	PD	Co. Atty's Office	PERF #33	Yes	PD
UOF - 24	SWAT	119	Employ SWAT and the use of other advanced tactics only in situations where there is a high risk of violence, resistance, or harm to the officers involved, the public or the suspect as defined by set of "high risk" factors that are captured in the recent modifications to the Risk Assessment Matrix.	PD	Co. Atty's Office	PERF #62, 63, 64		PD
UOF - 25	SWAT	119	Consolidate FCPD policies and protocols, including threat assessment, supervisory approval, training and post-use review and lessons learned, for the use and documentation of SWAT and other advanced tactics.	PD		PERF #66	Yes	PD
UOF - 26	SWAT	119	Require that all police divisions, most notably the Narcotics Division, employ the same risk assessment procedures as SWAT for planning any high-risk operation.	PD				PD
UOF - 27	SWAT	119	Ensure broad community understanding of FCPD SWAT capabilities and how and when SWAT can be deployed.	PD		PERF #60		PD
UOF - 28	SWAT	119	Ensure that SWAT SOPs and the recently updated threat assessment process are clear in their requirement for approval by a single designated command officer who will bear overall responsibility for each use of SWAT.	PD		PERF #60, 62, 63, 64, 65, 66		PD
UOF - 29a	SWAT	119	Establish policies and practices that ensure SWAT is deployed proportional to the unique needs of each individual incident.	PD		PERF #60		PD

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UOF - 29b	SWAT	119	Include a trained crisis negotiator with every SWAT deployment.	PD				PD
UOF - 29c	SWAT	119	Require SWAT officers to wear body cams during every deployment.	PD	Co. Atty's Office		Yes	BOS
UOF - 29d	SWAT	119	Require that every SWAT deployment results in a post-deployment report that documents the following, in a manner that allows for the data to be readily compiled and analyzed for lessons learned: i. the purpose of the deployment; ii. the specific reason for believing that the situation for which the SWAT team was being deployed presented an imminent threat to the lives or safety of civilians and/or police personnel; iii. whether forcible entry or a breach was conducted and, if so, the equipment used and for what purpose; iv. whether a distraction device was used and, if so, what type and for what purpose; v. whether an armored personnel carrier was used and, if so, for what purpose; vi. the race, sex, ethnicity and age of each individual encountered during the deployment, whether as a suspect or bystander; vii. whether any civilians, officers, or domestic animals sustained any injury or death; viii. a list of any controlled substances, weapons, contraband, or evidence of crime that is found on the premises or any individuals; and ix. a brief narrative statement describing any unusual circumstances or important data elements not captured in the list above.	PD		PERF #66		PD
UOF - 30	Mobile Crisis	120	Establish as a budget priority the 24-hour staffing of three additional Mobile Crisis Units, by directing the immediate funding of a second Mobile Crisis Unit, in support of the Mental Health Subcommittee recommendation 15; and over the appropriate budget cycles, but no later than January 1, 2017, fund of two additional Mobile Crisis Units, for a total of four units, one for each human services district.	CSB	PD, DMB			BOS
UOF - 31	Oversight	122	Implement independent investigative oversight and civilian review of Use of Force incidents. Consistent with the findings of the White House Task Force and the recommendations of NACOLE, independent oversight and civilian review will provide public accountability, trust and confidence, education of both the public and the police, and a positive, ongoing feedback loop that would result in the reduction of both UOF incidents and complaints.	Dep. Co. Exec. for Public Safety	PD, Co. Atty's Office, CWA		Yes	BOS
UOF - 32	Oversight	122	Establish a police legal advisor position within FCPD who would not only advise the department on legal issues but also ensure implementation of recommendations and timely implementation of policy changes.	PD	Co. Atty's Office, DMB		Yes	BOS
UOF - 33	Oversight	122	Collect data, and publish an annual statistical report, covering all stops, frisks, citations, arrests, and use-of force by district station and magisterial district - include the race, gender, and ethnicity of the individual involved and note whether the suspect is homeless and/or if a mental health crisis is a factor. The data should also include the race, gender and ethnicity of the FCPD officer involved and whether the interaction was initiated by FCPD or by the suspect. Document the outcome of each incident and regularly report the collected data to the BOS and the public and post the data online.	PD	Co. Atty's Office	PERF #70	Yes	PD
UOF - 34	Oversight	122	Reconstitute the FCPD Use of Force Committee to review selective use of force events, to include the decision to employ UOF, use of de-escalation and alternatives, compliance with law and regulations, as well as administrative, training, supervisory and tactical issues.	PD	Co. Atty's Office			PD
UOF - 34a	Oversight	122	The Use of Force Committee should receive and consider after action reports (AARs) on each selected use of force event, identify lessons learned, and make recommendations as to any needed changes in policy or practice. The Committee should meet on a regular basis (no less than semi-annually) with the Independent Auditor and the Civilian Review Panel to identify and address issues of concern arising out of use of force incidents and FCPD policies and practices.	PD	Co. Atty's Office		Yes	BOS
UOF - 34b	Oversight	122	At least two members of the public should be appointed to the Use of Force Committee to ensure that the police and public can mutually benefit from their respective views about a use of force situation and contribute to any lessons that might be learned in the process. The policies and procedures guiding the appointment and role of the civilian appointees should be developed with public review and input and should protect against real or perceived conflicts of interest and assure that they are bound by the level of confidentiality that will protect candid and honest assessments, which is at the core of an effective continuous improvement process, as well as related criminal investigations.	PD	Co. Atty's Office		Yes	BOS
UOF - 34c	Oversight	123	Experts and representatives from other law enforcement agencies should be invited to attend Use of Force Committee meetings to provide critical external perspective, insight and expertise on a permanent or ad hoc basis.	PD				PD

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UOF - 35	Oversight	123	The Board of Supervisors should review the Police Chief's determination in all lethal UOF cases and go on record with approval or disapproval of the action.	Co. Atty's Office	PD		Yes	BOS
UOF - 36a	Workforce Practices	124	Give emphasis in police officer basic and in-service training to the distinction in the use of "ready gun" and muzzle pointing in the conduct of a building search and room clearing.	PD		PERF #58		PD
UOF - 36b	Workforce Practices	124	Give emphasis in police officer basic and in-service training to skill development in the use of de-escalation, tactical retreat and verbal interaction as alternatives to use of force.	PD		PERF #41, 57, 58		PD
UOF - 36c	Workforce Practices	124	Give emphasis in police officer basic and in-service training to the expected and effective use of Crisis Intervention Training.	PD		PERF #67		PD
UOF - 36d	Workforce Practices	124	Give emphasis in police officer basic and in-service training to tactical and operational training on lethal and nonlethal use of force, with emphasis on de-escalation and tactical retreat skills.	PD		PERF #56, 57, 58		PD
UOF - 37	Workforce Practices	124	Establish a "hire-to-rotate" focus on officer fitness to serve, particularly in relation to any propensity for being overly aggressive in the conduct of duty. This focus should be a key component in: vetting and selection; ensuring that the Early Identification System is monitoring officer-involved shootings, excessive use of force incidents, and complaints of abuse of power; monitoring each officer's known and understood risk factors to ensure that they maintain the right personality and temperament for policing; reinforcing the "duty-to-intervene"; providing services to assist officers who may need attention or treatment.	PD	Co. Atty's Office, DHR	PERF #1	Yes	PD
UOF - 38	Workforce Practices	125	Conduct a study of the relationship of the supervisor to the patrol officers, including the current ratio as a potential factor in strengthening the leadership direction provided to patrol officers in non-routine situations, particularly as it relates to the potential for use of force.	PD	DHR, DMB			BOS
UOF - 39	Workforce Practices	125	Conduct a workforce climate survey and publish summary results on a biennial basis to monitor FCPD's operating culture, including officer attitudes about their work, leadership and equipment; or any perceived barriers to their ability to perform their duties consistent with FCPD's values, philosophy and policies. Use the detailed survey results broken down by organizational unit as a basis for dialogue between and among police officers, supervisors and the command structure.	PD	DHR			PD
UOF - 40	UOF Sub-Committee	126	The charter for the UOF subcommittee should be extended beyond the completion of the Ad Hoc Commission's report and presentation to the Board of Supervisors to meet its charge to "...review the roles of and relationships between the FCPD, the Office of the County Attorney, and the Office of the Commonwealth's Attorney in connection with use of force and critical incident responses; follow up on open issues, such as the internal FCPD UOF Committee charter; and support implementation of any of the UOF recommendations for which UOF Subcommittee participation would be beneficial.	Dep. Co. Exec. for Public Safety	PD, Co. Atty's Office, CWA		Yes	BOS
INDEPENDENT OVERSIGHT AND INVESTIGATIONS COMMITTEE								
IOV&I - 1	Investigations	180	Criminal investigations of FCPD officers involved in incidents in which an individual is killed or seriously injured as defined in General Order 540.1 ("Death or Serious Injury Cases") should continue to be conducted by the FCPD Major Crimes Division. Exceptions could occur when the Chief of Police, in consultation with the Commonwealth's Attorney, determines that the criminal investigation should be conducted by investigators from another Northern Virginia jurisdiction police department or by the Virginia State Police.	PD & CWA	Co. Atty's Office		Yes	PD & CWA
IOV&I - 2	Investigations	180	Funds should be appropriated to the Commonwealth's Attorney's Office to allow for the fulltime employment of two independent criminal investigators who will report to and be used at the discretion of the Commonwealth's Attorney in connection with criminal investigations within the scope of the Independent Police Auditor.	CWA	Dep. Co. Exec. for Public Safety, DMB			BOS
IOV&I - 2a	Investigations	181	Such investigators shall participate in MCD criminal investigations of cases as the Commonwealth's Attorney may direct and may be used in connection with other criminal investigations, time permitting.	PD & CWA	Co. Atty's Office		Yes	PD & CWA
IOV&I - 2b	Investigations	181	The Independent Police Auditor shall monitor MCD criminal investigations of cases and other criminal investigations within the scope of the responsibilities of the Independent Police Auditor.	Dep. Co. Exec. for Public Safety	CWA, Co. Atty's Office, PD		Yes	BOS
IOV&I - 3	Investigations	181	FCPD Internal Affairs investigations should be conducted concurrently with the criminal investigation to the extent practicable, provided that the Constitutional and statutory rights of any potential subject of the criminal investigation are fully protected.	Dep. Co. Exec. for Public Safety	CWA, Co. Atty's Office		Yes	BOS & CWA

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IOV&I - 4	Investigations	181	The right of FCPD officers under the Virginia Law Enforcement Officers Procedural Guarantee Act to be "questioned at a reasonable time and place" shall continue to be preserved, but the questioning should commence as soon as reasonable, under all of the relevant facts and circumstances, as determined by the Commonwealth's Attorney in consultation with the Chief of Police.	Dep. Co. Exec. for Public Safety	CWA, Co. Atty's Office		Yes	BOS & CWA	
IOV&I - 5	Investigations	181	All FCPD officers shall be required to abstain from speaking to other officers involved or having witnessed any conduct subject to a MCD or IAB investigation within the scope of the responsibilities of the Independent Police Auditor, or to any third parties involved in or witnessing such conduct until advised by MCD or IAB that they may do so.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	PD	
IOV&I - 6	Prosecution	181	The prosecution, including the decision whether to charge an FCPD officer with a crime arising out of a death or serious injury case, or other case within the scope of the responsibilities of the Independent Police Auditor, should continue to be handled by the Commonwealth's Attorney for Fairfax County unless the Commonwealth's Attorney determines that the prosecution, including the decision to charge, should be handled by another Virginia Commonwealth's Attorney.	CWA	Dep. Co. Exec. for Public Safety, PD, Co. Atty's Office		Yes	CWA	
IOV&I - 7	Prosecution	181	The Commonwealth's Attorney should be requested to issue timely and comprehensive public reports in any case involving death or serious injury when no criminal charges are filed. The reports should describe the investigation conducted by the FCPD, any additional investigation or consultation undertaken by the Commonwealth's Attorney, and the basis for the conclusions reached by the Commonwealth's Attorney.	CWA	Dep. Co. Exec. for Public Safety, Co. Atty's Office, PD, OPA		Yes	CWA	
IOV&I - 8	Independent Auditor	183	The Fairfax County Board of Supervisors shall establish the Office of Independent Police Auditor ("Auditor").	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS	
IOV&I - 8a	Independent Auditor	183	The Auditor shall be appointed by and report directly to the Board of Supervisors.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS	
IOV&I - 8b	Independent Auditor	183	The Auditor shall have experience in public safety, public program auditing, the investigation of police operations and use of force incidents. In order to ensure the Independent Auditor is perceived as truly independent, the Auditor shall have never been employed by Fairfax County.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS	
IOV&I - 8c	Independent Auditor	183	The Auditor shall review (i) all investigations of death or serious injury cases conducted by the IAB; and (ii) all use of force investigations by IAB which are the subject of a public complaint made to the FCPD or the Auditor.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD, CWA		Yes	BOS	
IOV&I - 8d	Independent Auditor	183	The Auditor shall have full access to the MCD criminal investigation file as well as full access to the IAB file, including any administrative action taken, for each investigation reviewed. The Auditor shall be entitled to receive copies of any portion(s) of such files.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD, CWA,		Yes	BOS	
IOV&I - 8e	Independent Auditor	183	The Auditor shall determine with respect to each such MCD and IAB investigation its thoroughness, completeness, accuracy, objectivity and impartiality.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS	
IOV&I - 8f	Independent Auditor	183	The Auditor shall be appointed by the Board of Supervisors for a term not less than 2 years and not more than 5 years, with a goal of maintaining continuity and independence, subject to dismissal only for good cause.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS	
IOV&I - 9	Independent Auditor	183	The Auditor shall participate in and monitor IAB investigations within its scope of responsibilities.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS	
IOV&I - 9a	Independent Auditor	184	The County Executive or his/her designee shall require, subject to discipline up to and including termination, the attendance and testimony of any Fairfax County employee, including all Fairfax County law enforcement officers, whose appearance at the interview is requested by the Auditor, and shall also require the production of any documents or other materials in the possession of the FCPD or other County offices and departments.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD, DHR		Yes	BOS	
IOV&I - 10	Independent Auditor	184	If the Auditor determines that an IAB investigation was deficient or that IAB's conclusions as to the relevant facts were incorrect or unsupported by the evidence, the Auditor may request further investigation by IAB or the Auditor may conduct such further investigation.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS	
IOV&I - 11	Independent Auditor	184	Absent good cause, the Auditor shall issue a public report with respect to each reviewed investigation within sixty (60) days of the Auditor's access to the complete IAB file.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD, OPA		Yes	BOS	
IOV&I - 12	Independent Auditor	184	The FCPD shall provide a public report quarterly to the Auditor on the disposition of all citizen complaints made against the FCPD. The Auditor shall be provided such additional information as the Auditor may deem necessary to enable him/her to determine that the FCPD is properly responding to and investigating complaints in a timely manner.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS	

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IOV&I - 13	Independent Auditor	184	An individual may file a complaint concerning alleged misconduct by a Fairfax County law enforcement officer involving a death or serious injury case, the use of force, or the death of an individual with the FCPD for investigation or the citizen may instead file the complaint with the Auditor, who shall immediately forward the complaint to the FCPD for investigation, which will report on the disposition of the complaint within 30 days..	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 14	Independent Auditor	184	If the Auditor disagrees with the results or conclusions of an IAB investigation in a death or serious injury case, the Auditor shall advise the Chief of Police who shall resolve the disagreement and make the final decision. The Chairman of the Board of Supervisors shall be informed of the Auditor's disagreement and the ultimate resolution. The Chief's decision shall be made in a public statement that sets forth the basis for the Chief's resolution of the disagreement.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 15	Independent Auditor	184	The Auditor shall make public recommendations to the Chief of Police, with copies to the Chairman of the Board of Supervisors, concerning the revision of FCPD policies, training, and practices based on the Auditor's reviews. The Auditor shall also issue a public report annually concerning the thoroughness, completeness, accuracy, objectivity and impartiality of the IAB investigations reviewed by the Auditor.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD, OPA		Yes	BOS
IOV&I - 16	Independent Auditor	184	The Auditor shall have an adequate budget and a trained staff to meet his/her responsibilities. The Auditor's office shall be separate and apart (physically and administratively) from those of the FCPD and the Commonwealth's Attorney.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 17	Independent Auditor	184	Any findings, recommendations and actions taken by the Auditor shall reflect the Auditor's independent judgment. No person shall use his/her political or administrative position to attempt to unduly influence or undermine the independence of the Auditor, or his/her staff or agent, in the performance of his/her duties and responsibilities.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 18	Civilian Review	186	Fairfax County shall establish a Civilian Review Panel ("Panel") to review complaints concerning alleged FCPD misconduct.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 18a	Civilian Review	186	Panel members shall be appointed by the Chairman of the Board of Supervisors, with the approval of the Board, for a term of three (3) years, subject to dismissal only for good cause. A Panel member may be appointed to no more than two (2) consecutive terms. The terms of the Panel members shall be staggered. The Panel members shall elect one of their members to serve as Chair of the Panel.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 18b	Civilian Review	186	The Panel shall be composed of seven (7) citizens and two (2) alternates residing in Fairfax County with expertise and experience relevant to the Panel's responsibilities.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 18c	Civilian Review	186	Factors to be considered in appointing Panel members include: community and civic involvement; diversity; law enforcement and/or criminal investigative experience, reputation in the community; and other factors designed to ensure a balanced Panel representative of Fairfax County. No Panel member shall be a current or former employee of Fairfax County, shall hold a public office, or shall have a relative who is a member of the FCPD. One (1) of the Panel members shall have prior law enforcement experience (other than as a member of the FCPD).	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 18d	Civilian Review	186	The Panel shall be authorized to retain a criminal investigative consultant to assist it with the fulfillment of its responsibilities.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 19	Civilian Review	186	An individual may file a complaint with or request a review of a completed internal FCPD investigation by the Panel concerning an alleged "abuse of authority" or "serious misconduct" by a Fairfax County police officer. The Panel shall not review alleged misconduct that is subject to review by the Auditor.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 19a	Civilian Review	186	"Abuse of authority" and "serious misconduct" shall be defined by the Panel and may include, the use of abusive, racial, ethnic or sexual language; harassment or discrimination based on race, color, sex, religion, national origin, marital status, age, familial status, or disability; the reckless endangerment of a detainee or person in custody; and serious violations of Fairfax County or FCPD policies or procedures.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 19b	Civilian Review	186	The Panel shall refer any complaint within its scope that it receives to the FCPD for review and handling. Absent good cause, the FCPD shall provide a public report to the Panel within sixty (60) days after receipt of the complaint with respect to its review and handling of the complaint.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 19c	Civilian Review	186	Any request for review of a completed FCPD investigation shall be filed, absent good cause as determined by the Panel, within sixty (60) days of the requester being notified of the completion of the internal FCPD investigation.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 20	Civilian Review	186	Absent good cause, within forty-five (45) days of receipt of the FCPD investigation report (if any) relating to the alleged misconduct or within forty-five (45) days of the receipt of the FCPD report if there was no IAB investigation, the Panel may schedule a public hearing to review the FCPD investigation.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS
IOV&I - 20a	Civilian Review	186	The complainant and the FCPD (including the involved FCPD officers) shall be afforded the opportunity to personally present evidence, statements, and arguments to the Panel.	Dep. Co. Exec. for Public Safety	Co. Atty's Office, PD		Yes	BOS

