

Summary Public Safety Subcommittee Committee Meeting

January 31, 2017

Committee Members Present:

Chairman Sharon Bulova
Supervisor Penelope Gross, Mason District (Vice Chairman)
Supervisor John Cook, Braddock District (Committee Chair)
Supervisor John Foust, Dranesville District
Supervisor Pat Herrity, Springfield District
Supervisor Catherine Hudgins, Hunter Mill District
Supervisor Jeff McKay, Lee District
Supervisor Kathy Smith, Sully District
Supervisor Linda Smyth, Providence District
Supervisor Daniel Storck, Mount Vernon District

Summary Minutes of Previous Public Safety Committee Meeting (December 13, 2016):

<http://www.fairfaxcounty.gov/bosclerk/board-committees/meetings/2016/dec13-public-safety-summary.pdf>

January 31, 2017 Meeting Agenda:

<http://www.fairfaxcounty.gov/bosclerk/board-committees/meetings/2017/jan31-public-safety-agenda.pdf>

January 31, 2017 Meeting Materials:

<http://www.fairfaxcounty.gov/bosclerk/board-committees/meetings/2017/jan31-public-safety-draft-report-cameras.pdf>

<http://www.fairfaxcounty.gov/bosclerk/board-committees/meetings/2017/jan31-public-safety-presentation-sexual.pdf>

Today's meeting was called to order at 3:14 P.M.

After a brief introduction from Supervisor Cook, Committee Chair, the minutes from the December 13, 2016 meeting were approved.

The first topic on the agenda is a Fire and Rescue Department Overview for FY 2017 presented by Fire Chief Richard R. Bowers Jr. Highlights from his presentation included:

- 100,000+ calls, rate of increase being highest in EMS calls.
- Noted the success of 4th on ladder through SAFER grants. Gets paramedics on scene quicker.
- 16,000 smoke alarms installed. Six documented cases of those alarms going off. All people got out safely.
- Need for Behavioral Health professional program.

- Accreditation process ongoing. Should complete in 18 months. Establishes best practices in 252 objective areas.
- Discussed Operational Response Times noting investments in technology have helped.
- Noted Emergency Vehicle Pre-emption (EVP) as being a priority.
- Thanked the Board for support of public safety bond. This \$50 million investment will improve women's facilities and modernize stations among other things.
- The Department is still experiencing a number of vacancies. This impacts firefighters with mandatory holds and recall, and is also a contributing factor to increased overtime.
- Paramedic recruitment – seeking to get to 532. In the 450-460 range. Trying to grow their own through VCU program.
- Staff Officer Assignments. Need to review the financial disincentive for firefighters to come off shift work and move into officer ranks.

Fire and Rescue Department Member Perspective is provided by Captain John Niemiec - FCPFF&P IAFF 2068. Captain Niemiec's presentation focused on three main areas: women's facilities, behavioral health and promotional exams. Hiring and promoting of women is critical, and is supported by the Fire Chief and the Union. Behavioral health is discussed, with emphasis on training, recognizing signs of stress, etc. Wants to take a look at how the County is doing promotional exams, and thanked DHR for their support.

Board Discussion:

- The Board requested additional information from the County Executive (CEX) on the behavioral health issue in terms of what the County still needs to do.
- The Board requested additional information on promotional exams. Asked for a response from the CEX/DHR on that.
- The Board asked for an update from the FRD on the opioid issue. The Chief noted it is a health emergency and that Narcan has almost become an enabler. The Chief noted there is a need for additional data and analysis. The Board is interested in some sort of campaign to educate on the dangers of opioid dependency and to further engage the Health Department on this issue.
- The Board noted improvement in the Fire Marshal's Office (FMO) in terms of getting things through there quicker. This helps from an economic development perspective.
- The Board is also looking to get more information from the CEX on the coordination between agencies on the opioid issue. The importance of drug counselors in schools was also noted.

The second item on the agenda was a presentation on Police Body Worn Cameras (BWC) led by Police Chief Colonel Edwin C. Roessler Jr. County Attorney Elizabeth Teare, Jeanne Comeau of the National Alliance on Mental Illness (NAMI) and Scott Campbell, Fairfax County Advisory Committee for Students with Disabilities. A draft report is linked above under "Meeting Materials."

Chief Roessler gave a brief overview noting that an RFP had been released for a BWC pilot program. He noted that there have been significant changes since BWC issue was brought forth to the Public Safety Committee in summer 2015. Before launch he will reconvene stakeholders to ensure the draft policy is updated and best practices included.

Lt. Michael Rowling of the Arlington Police Department explained their BWC pilot that just concluded. Sixteen companies responded to their RFP. Three vendors selected for the pilot. Each tested three times during project. The majority of the 25 officers chosen for the pilot were from patrol. The participating

officers scored the cameras, mountings/placement on uniform, when to turn on, etc. County evaluated data storage, all on the cloud. Internal Affairs evaluated how easily downloaded video could be redacted. One vendor favored by 92% of the participants; 88% voted in favor of BWC for their department.

County Attorney Elizabeth Teare discussed the VFOIA Act as it pertains to Body Worn Cameras. She noted that the first inclination in the law is to release or disclose, but the custodian of the video, in this case the police chief, still has discretion.

The County Attorney explained the images captured are clearly public records; however she noted that there are four specific areas under state law could prohibit release of the images captured with body cameras:

- If the image reveals the address/telephone number, or place of employment of a witness to a crime
- If the image reveals the ID of an informant about a crime
- If the image reveals the victim of a crime including sexual assault/abuse
- If the victim requests that information be kept confidential.

Generally, if these conditions do not exist, the information must be released if a valid VFOIA request is made. In the case of non-criminal incidents, the video may be redacted. Video may not be withheld simply because part is exempt. Must be determined on a case-by-case basis.

Jeanne Comeau of the National Alliance on Mental Illness (NAMI) indicated concerns about privacy and safety (individual and officer). She asked "How do we protect privacy of mentally ill individuals?" She noted that there are instances where an individual may be having a health issue, and she does not want people to be reluctant to call for help. With regards to safety, she asked "what policies can be developed to address the concern that behavior may escalate if a mentally ill individual knows a BWC is being worn?"

Scott Campbell, Fairfax County Advisory Committee for Students with Disabilities spoke next. In general, he believes the positives of body cameras offset the negative. With autism, challenges with communication and sensory issues which can be severe, need to be considered. Body cameras can capture things that families may not want to have captured, but despite these legitimate privacy concerns, he noted that when a family is in crisis safety concerns are primary.

Board Discussion:

- The Board asked County Attorney Teare for a clarification of whether a FOIA exemption might be able to be requested in cases where police respond to a mentally ill individual in crisis and a neighbor makes a FOIA request. Chief Roessler noted it is difficult and a risk to turn off camera mid-incident, as that may then appear to be turning off the camera right when something might happen. Much is driven by the context of the nature of the issue. But if the only thing happening is a mental health episode, officer would have discretion to turn off camera.
- County Attorney Teare will go back and research further and respond back to the Board given the concerns raised by the Board, particularly about privacy in situations with mentally ill individuals.

- The Chief noted that the RFP closes February 28, 2017, and that he will return to the Public Safety Committee with fiscal requirements. CEX Long notes there is \$1.9M in recurring funding available in the Ad Hoc Reserve. CEX Long stated that he is confident the County can support the costs for a pilot - the next step, funding a whole program, will be a challenge.
- The Board indicated that a formal Action Item needs to be drafted for their consideration.
- CIO Wanda Gibson discussed the need to consider security and integrity of the data throughout the process. Storage of the data is a significant part of the costs of a BWC program.
- The Board noted that Retention Policy, FOIA Policy, Privacy Policy, metrics to measure the pilot, Budget/Position requirements need to be part of the final policy brought forward.
- The Board asked about whether any grants are available? Chief Roessler noted they are trying, but have not been successful to date. Most grants are specifically designed for small agencies.
- The Board asked about whether the BWC issue has been vetted with the officers, and the response from the Chief was yes.
- The Board directed that if anything in the County's draft policy is a departure from what other localities are doing, that should be highlighted. The Chief noted that they are trying to learn from early adopters and looking at best practices in the industry. County Attorney Teare noted that the County will follow state guidelines on retention.
- CEX Long noted that his preference was to work through these issues in order to ensure that the County does this right. His recommendation was to have a discussion of the action item at the June 13, 2017, Public Safety Committee meeting. By that time, he noted that the County will have picked a vendor, identified staff resources, etc. and can bring a well-vetted action item forward. Assuming the Board's concurrence, a full pilot could then be up and running in approximately 90 days. Then once the pilot is complete, a thorough report back to the Board would be completed. After further discussion, a majority of the Board agreed with that approximate timeline.
- In summary, the goal is:
 - June 13, 2017: the Public Safety Committee reviews a final draft of the formal action item/proposed policy
 - June 20, 2017: The action item goes to the BOS for approval
 - Assuming passage, the pilot commences in roughly 90 days after formal Board approval

The third item was an update on Sexual Violence and Human Trafficking provided by Ina G. Fernandez, Director of the Fairfax County Office for Women and Domestic and Sexual Violence Services. Ms. Fernandez walked through the final presentation linked above. She noted that a major need is a coordinated community response similar to Domestic Violence, including a civilian position similar to the countywide domestic violence coordinator.

Board Discussion:

- The Board asked for more specific data on the number of actual human trafficking victims. The Board was seeking information on victims, as they had heard from various sources the numbers of cases and victims were significantly higher than the number of reported by the Police Department. After further discussion, the Board asked for further analysis and data analysis of the various data sources on this issue.

The next meeting of the Public Safety Committee is scheduled for March 21, 2017 at 10:00 A.M.

The meeting adjourned at 5:02 P.M.