

## **Summary - Public Safety Committee Meeting**

March 21, 2017

Government Center - Conference Room 11

### ***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 of Previous Public Safety Committee Meeting (January 31, 2017):

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

March 21, 2017 Meeting Agenda:

<http://www.fairfaxcounty.gov/bosclerk/board-committees/meetings/2017/mar21-public-safety-agenda.pdf>

March 21, 2017 Meeting Materials:

<http://www.fairfaxcounty.gov/bosclerk/board-committees/meetings/2017/mar-21-public-safety-presentations.pdf>

<http://www.fairfaxcounty.gov/bosclerk/board-committees/meetings/2017/mar21-public-safety-sheriff-response.pdf>

Today's meeting was called to order at 10:04 A.M.

After a brief introduction, the minutes from the January 31, 2017, meeting were approved, and Supervisor Cook led a brief discussion about the first meeting of the Citizen Review Panel.

The first topic on the agenda was *Ad Hoc Commission Recommendations Pertaining to Constitutional Officers* presented by Raymond F. Morrogh, Commonwealth's Attorney, and Sheriff Stacey A. Kincaid.

Highlights from their presentations included:

- Commonwealth's Attorney Ray Morrogh gave a brief overview of his role as an independent constitutional officer.

- He provided thoughts and comments on several facets of the *Ad Hoc Police Practices Review Commission Report* as it pertains to the Office of the Commonwealth's Attorney. General agreement with the recommendations.
- Sheriff Kincaid gave a brief overview of her role as an independent constitutional officer.
- Sheriff Kincaid provided comments through a PowerPoint presentation (the second document linked above under March 21, 2017 Meeting Materials). Issues discussed included communication, contacts with the public, mental health/CIT, Diversion First, and Use of Force recommendations (including a revised Taser policy and de-escalation training).

The Board did not have any follow-up questions to these presentations.

The second item on the agenda was an update on the Diversion First program. The first portion of the presentation was an overview and summary of first year successes presented by Laura Yager, Director of Systems Transformation - Office of the County Executive. The second portion of the presentation was focused on the impact on the Court system and the Community Services Board presented by the Honorable Michael Cassidy, Chief Judge, Fairfax County General District Court; Daryl Washington, Deputy Director, Fairfax-Falls Church Community Services Board; and the Honorable Thomas Sotelo, Chief Judge, Fairfax County Juvenile and Domestic Relations District Court. Also, a portion focusing on staffing/funding considerations was presented by Lt. Ryan Morgan, CIT Coordinator – Fairfax County Police Department, and Laura Yager.

Highlights from their presentations included:

- Laura Yager: Breaking the cycle of involvement with the justice system is a main goal of Diversion First. She cited data to indicate program successes including 1,580 police-involved cases brought to Merrifield Crisis Response Center (MCRC) in 2016, a 25% increase from 2015; a vast increase in officers using emergency custody orders (ECOs), and a total of 375 people diverted from potential arrest. Director Yager further noted significant workforce development and unprecedented collaboration.
- Judge Cassidy: Discussed the process point at which the General District Court (GDC) gets involved. Judge Cassidy noted these are "jail-able offenses." Utilization of increased screening tools to identify people with mental health needs is a significant and welcome change. He noted weekly strategy meetings on Diversion First, cited data from the pilot period (July – December 2016), then discussed the significant impact of Diversion First on the Court Services caseload and the number of defendants on pre-trial supervision. Also noted the request for 5/5.0 Full Time Equivalent (FTE) positions and \$470K to come closer to caseload targets.
- Daryl Washington: Community Services Board (CSB) services are needed to assure timely assessment, treatment recommendations, and service linkages. CSB needs to provide this feedback to the Courts so they can make informed decisions. Requests 7/7.0 FTE positions and \$725K.
- Lt. Morgan: Requesting 6/6.0 FTE public safety officer positions (3/3.0 Police Officers and 3/3.0 Sheriff's Deputies) to allow for 24/7 coverage. MCRC staff often finds it difficult to keep up with the amount of ECOs, and getting to the goal of 24/7 coverage requires additional public safety officers.
- Laura Yager: summarized what was funded in FY 2017, what was originally requested in FY 2018, and what is now a revised ask of just under \$2M and 18/18.0 FTE positions. Supervisor Cook states these requests are "opportunities" to have an impact and reduce the recidivism rate. He

is going to place the \$2M requested above as a consideration item as part of the FY 2018 budget process.

- Judge Sotelo – Noted that Juvenile and Domestic Relations District Court (JDRDC) is a statutory court and that all authority comes from the General Assembly. JDRDC is always trying to strike a balance between public safety, the individual, their family, and needs of the community. Children are different from adults and need to be handled differently. He noted that there are three different levels of diversion at intake. 81% of referrals reach agreement in the Alternative Accountability Program. Those that enter the system in the Juvenile Intake Diversion Program have a 95% successful completion rate.

Discussion:

- A discussion ensued about whether handcuffs are used on mentally ill individuals. Lt. Morgan responds it depends on how the individual is acting and the safety of the officer. Police Chief Edwin Roessler Jr. reiterated that it is at the discretion of the officer, noting the CIT training and its focus on de-escalation, but emphasized safety is primary. Sheriff Kincaid noted that transfers to State hospitals include two deputies, at least one deputy is always trained in CIT, but the individual is usually handcuffed.
- A discussion on the \$2M in additional requested funding ensued. The Board inquired about when and how the County would begin to experience any savings associated with Diversion First. Sheriff Kincaid stated that it is going to take some time. They have begun the process of collecting data, but she noted the formal Diversion First program is less than one year old and that the County is in this for the long haul. She also noted the cost of deputies having to stay at hospitals. A follow up Board question is asked about the overtime component, noting that getting officers back into service quicker saves overtime. The Board also asks for additional research on whether there are any savings that go back to the State as part of this. Judge Sotelo noted that sometimes savings can be redirected to other high need areas.
- The Board inquired about how much time is spent on “frequent flyers” or individuals who appear in court multiple times for similar offenses. The response is that while it is significant, the leverage a judge has is a suspended sentence, which usually means jail time if a person does not meet their terms of release.
- The conversation turned towards a discussion of youth. The Board is interested in breaking the cycle of involvement with the justice system and being innovators in this area. Noting (as one example) the 99% figure of youth being compliant with agreed sanctions/outcomes in alternative programs, Bob Bermingham, Director of JDRDC, noted the threat of going into the system and also the face-to-face manner of having the youth face their victim as powerful and effective. He also noted the success of prevention programs, such as the middle school after school program in the Department of Neighborhood and Community Services (DNCS). Programs such as these result in a lower total of youth entering the system; however, those that do enter the system are high need.

The third item on the agenda was entitled *Immigration Enforcement Policies, Practices, and Legal Considerations*. Presenters are Colonel Edwin C. Roessler Jr., Chief of Police; Sheriff Stacey A. Kincaid; David Rohrer, Deputy County Executive for Public Safety; and Elizabeth Teare, County Attorney.

Discussion:

- Chief Roessler noted there is an immigration-related policy in place enacted in 2007. Chief Roessler wanted to reassure the community that it is ok to call 911, especially in the area of

domestic violence. If in their work of preventing and fighting crime police officers encounter an individual who may have immigration issues, they could get a “hit” from the federal Immigration and Customs Enforcement (ICE) database. However, in no way is that an initial primary focus of the encounter. FCPD does not participate in any ICE raids. If there is a planned ICE operation, FCPD asks that ICE communicate with FCPD prior to any action to preclude calls for service that might result in unintended officer on officer situations.

- Beth Teare, County Attorney, provides the legal authority that FCPD and/or Sheriff have in immigration related matters. The Attorney General has cautioned against any local officers conducting any civil immigration enforcement actions. In criminal matters, local jurisdictions can take action if an individual in custody has been previously convicted, deported and is now back.
- Sheriff Kincaid explains what happens once FCPD brings someone in custody to the jail. All prisoners are treated the same; however, if in the process of checking all databases etc., an ICE “hit” occurs, the Sheriff’s office holds said individual for up to 72 hours. The Sheriff quotes that there were 289 inmates that had outstanding federal ICE warrants, of which 258 ending up being turned over to ICE.
- Deputy County Executive Dave Rohrer noted that Fairfax County Police do not target someone on the street only because of a concern the individual is here unlawfully; however, he noted that Fairfax County is not a sanctuary county. Undocumented persons will be turned over to ICE if their arrest and information being entered into a federal database alert ICE, and they make the appropriate request that persons be held. Officers are also not prohibited from sharing information with ICE.
- The Board noted that community policing is a big part of this, and that the County is in compliance with all federal laws.
- A discussion about whether the County has seen any increase in ICE activity in Fairfax County in the last 3-4 months ensued. Chief Roessler responded that he had not received any information or data to yet support that; however, he noted that there is a perception in the community that it has increased.

The fourth item on the agenda was entitled *Gang Update*, provided by Chief Roessler, Jay Lanham, Northern Virginia Gang Task Force, and Captain Paul Cleveland, Criminal Intelligence Division, Fairfax County Police Department.

#### Discussion:

- Chief Roessler began the discussion by acknowledging an uptick in gang-related violence with youth in both Fairfax County and the region. Jay Lanham noted concerns of increased recruiting in schools and a direct relation to an increase in serious juvenile crime, noting seven homicides since the fall. Captain Cleveland concurred, noting he has observed a resurgence in gang related crimes, both locally and regionally.
- Supervisor Cook asked directly – do you have from us what you need to address this problem? Chief Roessler responded that he does, noting the ten recent arrests that were done quickly and efficiently. His concern is about getting help from parents and the community. The Chief wants to police to be not only reactive, but proactive and the Department wants to get out in front of this issue.
- Chairman Bulova stated that Fairfax County has a leadership role in this area, with the real challenge being prevention and intervention. She noted successful County programs such as the

DNCS middle school after school program, and the summer Road Dawg program; however, there needs to be additional investments in youth programs as well as the public safety aspect.

- Supervisor Gross noted the importance of the 1998 creation of the FCPD gang unit and states that there needs to be another major effort to provide more robust programming (prevention and intervention) to give kids alternate options. Supervisor Gross is hosting a gang town meeting in the Mason District at Mason Governmental Center on March 29, 2017 at 7:00 PM. She noted this is a critically important discussion with the community.
- Supervisor Herrity mentioned an area of concern for him is the 1,500 undocumented minors in Fairfax County schools. He is interested in looking for federal support in this area. Prince William County has a program (funded by the federal government) where they take kids out of their schools and work with them in a separate program. He wants Fairfax County to look at that model.
- A discussion ensued on the modern tools of gang recruitment being used. Both Chief Roesler and Jay Lanham noted the impact of social media. It is having a big impact and is troubling. Gang recruitment in 2017 is far different than it was even ten years ago. Lanham stated that they need the help of the community. There is a gang hotline: 703-GIVE HELP. They need help getting that word out. He also noted that in order to combat the gang problem there needs to be both a visible deterrent as well as a focus on prevention/intervention.
- Supervisor Smyth notes that gang recruiting is illegal per State statute and if laws need to be strengthened, that should be noted so they can address the need as part of their legislative work.
- School Board Member Karen Corbett Sanders noted the critical role of Police Department School Resource Officers (SROs). She noted that an area where they can do more is communicating through their networks (both within the school and externally) on what signs to look for in kids and providing information on the perils of gangs. She noted this information needs to be provided to parents in multiple languages including Spanish. She also noted they need to look at stand-alone programs within schools for new students.

The next meeting of the Public Safety Committee is scheduled for June 13, 2017, at 10:00 A.M.

The meeting adjourned at 12:10 P.M.