

Office of the Independent Police Auditor

Mission

The Office of the Independent Police Auditor bolsters trust between the citizens of Fairfax County and the Fairfax County Police Department by providing accountability, fairness, transparency and trust in the complaint system and investigative process. The Office of the Independent Police Auditor also provides an accessible, safe, impartial, and responsive intake venue for complaints against the Fairfax County Police Department and its employees.

Focus

The Office of the Independent Police Auditor (OIPA) was established by the Fairfax County Board of Supervisors (BOS) on September 20, 2016, in response to recommendations from the Ad-Hoc Police Practices Review Commission. In creating the OIPA, the BOS mandated that the Auditor shall review Fairfax County Police Department (FCPD) use of force investigations that involve serious injury or death, including officer involved shootings, or which are the subject of a public complaint made to the FCPD or the Auditor.

The OIPA monitors and reviews internal investigations of all relevant use of force cases and in-custody deaths to determine the thoroughness, completeness, accuracy, objectivity, and impartiality of FCPD investigations. The OIPA issues a public report for each reviewed internal/administrative investigation (incident reports). The OIPA also produces an annual report, as well as additional reports on FCPD policy recommendations or data reviews. Through its reports, the Auditor makes public recommendations concerning revisions of FCPD policies, training, and practices.

Another core function of the OIPA is to serve as an independent intake venue for complaints against the FCPD. The OIPA processes citizen complaints concerning various issues including use of force, and those under the purview of the Fairfax County Police Civilian Review Panel (CRP), such as allegations of serious misconduct and abuse of authority. Citizens may submit complaints to the OIPA in lieu of submitting them directly to the FCPD. Citizens may request that the Auditor or the CRP review an already completed FCPD investigation if they remain unsatisfied with the results.

The OIPA also provides ongoing administrative support to the CRP and delivers its annual reports to the BOS. Administrative support includes the provision of logistical support for CRP business meetings, outreach and community events, and producing meeting summaries and audio recordings of all public meetings.

Pandemic Response and Impact

During the COVID-19 pandemic, the OIPA has had to close its physical doors to the public but continues to conduct its core functions virtually. The OIPA resumed its reviews of internal investigations on a limited basis at the FCPD following a two-month disruption at the onset of the pandemic, during which the FCPD was focused on their COVID response. OIPA staff continued to coordinate with the FCPD virtually during this time to ensure the collection of data for a research study on the racial disparity of the use of force in the County. The OIPA also continued to process citizen complaints submitted online against the FCPD and provided logistical support to the CRP.

Budget and Staff Resources

| Category | FY 2020 Actual | FY 2021 Adopted | FY 2021 Revised | FY 2022 Advertised | FY 2022 Adopted |
|--|------------------|------------------|------------------|--------------------|------------------|
| FUNDING | | | | | |
| Expenditures: | | | | | |
| Personnel Services | \$298,695 | \$295,523 | \$297,523 | \$295,523 | \$298,478 |
| Operating Expenses | 60,033 | 32,675 | 99,663 | 32,675 | 32,675 |
| Total Expenditures | \$358,728 | \$328,198 | \$397,186 | \$328,198 | \$331,153 |
| AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE) | | | | | |
| Regular | 3 / 3 | 3 / 3 | 3 / 3 | 3 / 3 | 3 / 3 |

FY 2022 Funding Adjustments

The following funding adjustments from the FY 2021 Adopted Budget Plan are necessary to support the FY 2022 program. Included are all adjustments recommended by the County Executive that were approved by the Board of Supervisors, as well as any additional Board of Supervisors' actions, as approved in the adoption of the Budget on May 4, 2021.

Employee Compensation \$2,955
 An increase of \$2,955 in Personnel Services is included for a 1.00 percent market rate adjustment (MRA) for all employees effective July 2021.

Changes to FY 2021 Adopted Budget Plan

The following funding adjustments reflect all approved changes in the FY 2021 Revised Budget Plan since passage of the FY 2021 Adopted Budget Plan. Included are all adjustments made as part of the FY 2020 Carryover Review, FY 2021 Mid-Year Review, FY 2021 Third Quarter Review, and all other approved changes through April 30, 2021.

Carryover Adjustments \$66,988
 As part of the FY 2020 Carryover Review, the Board of Supervisors approved \$66,988 in encumbered funding in Operating Expenses.

Third Quarter Adjustments \$2,000
 As part of the FY 2021 Third Quarter Review, the Board of Supervisors approved funding of \$2,000 in Personnel Services for a one-time compensation adjustment of \$1,000 for merit employees and \$500 for non-merit employees paid in May 2021.

Position Detail

The FY 2022 Adopted Budget Plan includes the following positions:

| OFFICE OF THE INDEPENDENT POLICE AUDITOR – 3 Positions | |
|--|----------------------------|
| 1 | Independent Police Auditor |
| 1 | Management Analyst III |
| 1 | Management Analyst II |

Performance Measurement Results

The Office of the Independent Police Auditor started tracking partial performance measurement data in FY 2017. Once fully staffed in FY 2018, measures were refined to better reflect the agency's focus and to more effectively measure its operations.

While the number of incidents reviewed depends on the volume and type of uses of force that occur within the County, the Auditor's reviews have increased each year since the inception of the office in April 2017. The Auditor reviewed 19 investigations in FY 2019 and 21 in FY 2020. These numbers reflect the number of investigations reviewed or under review during the fiscal year and include investigation reviews subject to a complaint made to the FCPD. Upon completion of a review, the Auditor issued nine incident reports in both FY 2019 and FY 2020. It is anticipated the Auditor will conduct 15 reviews and will have completed at least eight incident reports in FY 2021.

As specified in the BOS action item creating the OIPA, the Auditor must issue a public report within 60 days of having access to the complete investigation file. The Auditor has met this deadline with 100 percent of reports to date, except for one report delayed with good cause pending completion of a review by the CRP on the "illegal stop" allegation of the complaint.

In addition to the nine incident reports, the Auditor developed an annual report and three additional ad-hoc reports in FY 2020. The Auditor anticipates publishing three ad-hoc reports in FY 2021 to include an annual report.

Through the publication of reports, the OIPA makes public recommendations on revisions to FCPD policies, training, and practices. The OIPA tracks its recommendations and whether they are ultimately adopted by the FCPD. As it takes time and resources to memorialize policy changes, OIPA anticipates recommendations made in one fiscal year may not be adopted during the same fiscal year. During FY 2019 and FY 2020, the Auditor provided a total of 10 recommendations to the FCPD, and the FCPD formally adopted four recommendations in FY 2019 and six in FY 2020. To date, only one OIPA recommendation was not adopted, or adopted with modifications, by the FCPD. It is anticipated that at least five recommendations will be adopted by the FCPD in FY 2021 and four in FY 2022.

The number of complaints processed each year depends on the number of County citizens who choose to submit complaints through the OIPA for Auditor or Panel review, rather than filing complaints directly to the FCPD. There has been an increase in volume for complaints received over the past three years by the OIPA, presumably because of increased exposure of the civilian review process within the County. The OIPA processed two citizen complaints concerning uses of force in FY 2020 (i.e., those under the Auditor's authority) and 30 complaints concerning issues under the CRP's authority (i.e., allegations of serious misconduct and abuse of authority) that same year. The OIPA estimates receiving at least two complaints that fall under the Auditor's authority and approximately 30 complaints that fall under the purview of the CRP in FY 2021.

In addition to complaint intake on behalf of the CRP, the OIPA provides administrative support to the Panel. OIPA staff supported 30 meetings in FY 2020. These meetings include the CRP's regular business meetings, subcommittee meetings, trainings, and community outreach events. It is anticipated that OIPA staff will continue to provide a similar level of support in FY 2021 with an estimated 24 events. The OIPA has responsibility for producing the Panel's meeting summaries in a timely manner. In FY 2020, OIPA staff produced summaries within two weeks of the meeting date 100 percent of the time and anticipates continuing to meet this goal in FY 2021 and beyond.

Office of the Independent Police Auditor

Staff time and operational costs dedicated to supporting the CRP increased over the first three years of operations as the OIPA filled its Management Analyst positions in FY 2018. While one OIPA staff person provides the majority of the day-to-day administrative support to the Panel, all staff within the OIPA provide some level of support. In FY 2020, 1,843 hours of staff time were provided in support of the CRP. Personnel and operational costs specific to the CRP were \$85,213 in FY 2019 and \$69,011 in FY 2020. It is anticipated that staff time and operation costs to support the CRP's functions in FY 2021 and FY 2022 will look more like FY 2019 than FY 2020.

| Indicator | FY 2018 Actual | FY 2019 Actual | FY 2020 Estimate | FY 2020 Actual | FY 2021 Estimate | FY 2022 Estimate |
|---|----------------|----------------|------------------|----------------|------------------|------------------|
| Investigations reviewed | 9 | 19 | 11 | 21 | 15 | 14 |
| Reports published ¹ | 5 | 12 | 9 | 9 | 8 | 7 |
| Policies/Practices/Training recommendations provided | 7 | 6 | 3 | 4 | 5 | 4 |
| Policies/Practices/Training recommendations adopted by FCPD | 0 | 4 | 8 | 6 | 5 | 4 |
| CRP meetings, educational and community events supported | 18 | 17 | 15 | 30 | 24 | 24 |

¹Reports include incident-specific reports, the annual report, and other ad-hoc reports such as those summarizing policy or data review.

A complete list of performance measures can be viewed at
<https://www.fairfaxcounty.gov/budget/fy-2022-adopted-performance-measures-pm>