

Police Civilian Review Panel and Office of the Independent Police Auditor

November 16, 2019

Fairfax County Government Center, Conference Room 232

Training Summary

Panel Members Present:

Jimmy Bierman

Bob Cluck

Hollye Doane, Panel Vice-Chair

Frank Gallagher

Doug Kay, Panel Chair

Shirley Norman-Taylor

Sris Sriskandarajah

Rhonda VanLowe

Panel Members Absent:

Hansel Aguilar

Others Present:

Gentry Anderson, OIPA

Natalie Nguyen-Woodruff, Staff to Supervisor
Jeff McKay

Major Matt Owens, FCPD

Rachelle Ramirez, OIPA

Richard Schott, Independent Police Auditor

The training session was called to order at 8:00 a.m.

Mr. Kay welcomed the Panel and staff of the Office of the Independent Police Auditor to the Fairfax County Police Department (FCPD) training session. He thanked members of the FCPD in attendance for their time and willingness to provide training to the Panel. Major Owens reviewed the training agenda.

The following captures the key questions and discussion during the training:

Session 1: Recruitment and Basic Training Academy

Ms. VanLowe: What is the FCPD's retention rate? Lieutenant Nichols replied that the FCPD's retention rate hovers around the national average. He also said that the FCPD implemented a mentoring program and assigns officers to meaningful duty assignments to help with retainment.

Ms. Doane: Do you ask recruits for access to their social media accounts? Second Lieutenant Lane replied that if the recruit has social media that is publicly accessible, it is reviewed.

Mr. Kay: Does the FCPD routinely screen or review officers' social media accounts? Major Cleveland replied that officers are employees of Fairfax County and are held to the standard set by the county's social media policy. He added that if an officer's social media account puts the FCPD in ill repute, an administrative investigation would be initiated.

Mr. Kay: Does the FCPD have a policy to monitor social media accounts of officers? Major Cleveland replied that the FCPD does not monitor social media accounts but if an officer makes outrageous comments on social media and it is brought to the attention of the department, an administrative investigation would be initiated.

Mr. Sriskandarajah: How does Fairfax County's youth become involved in the FCPD cadet program? Sargent Meeks replied that youth become involved in the cadet program through School Resource Officers (SRO's) recruiting students that attend Fairfax County Public Schools (FCPS), partnering with criminal justice programs within FCPS, and word of mouth.

Ms. VanLowe: Why are applicant numbers dropping? Lieutenant Nichols replied that this is a nationwide trend. Also, when the economy is booming, people have other employment options.

Mr. Sriskandarajah: How can public perception be turned within Fairfax County? Lieutenant Nichols replied that the FCPD engages and builds relationships with the community, such as college professors and students. Major Owens added that community outreach is conducted at the station level to help build better relationships between the FCPD and the community. He also explained that when incidents occur in other parts of the United States and get national media attention, it impacts recruiting by and public perception of the police within Fairfax County.

Mr. Gallagher: Will the FCPD's body worn cameras capture audio in addition to video? Major Cleveland affirmed that audio will be captured by body worn cameras.

Ms. VanLowe: What is the cost associated with training a recruit? It sounds like the training academy is a "gate process" where if someone does not pass a certain portion of training, they cannot move through the rest of the academy. Is there a way to retain those officers to support the FCPD in a different capacity? Major Cleveland replied that training a recruit officer is a great investment of Fairfax County resources. The FCPD holds recruits to a higher standard than what is required by the state. However, if a recruit is struggling in a certain portion of the academy, they could fill other roles such as parking enforcement or citizen police aides.

Mr. Sriskandarajah: Do FCPD cruisers have sensors such as back up cameras? Major Cleveland replied that all FCPD cruisers are equipped with sensors and modern technology.

Ms. Norman-Taylor: Do Fairfax County Sheriff deputies go through the same academy as FCPD officers? Major Cleveland replied affirmatively that the same academy is used, however sheriff's deputies receive additional training specific to corrections.

Session 2: Intrinsic Bias Training and Juvenile Procedures

Ms. Doane: Suppose the FCPD becomes aware that an officer belongs to a white supremacy association. What would the FCPD do? Major Owens replied that an administrative investigation would be initiated to confirm the allegation and appropriate action would be taken.

Ms. VanLowe referenced complaints the Panel has reviewed related to racial bias allegations. She asked how does the FCPD monitor or measure the success of the intrinsic bias training and ensure there is no biased policing in Fairfax County? She referred to FCPD investigation files related to complaints with allegations of biased policing and asked that more support be provided within the investigative file to back up the FCPD's conclusions. Major Owens referenced the forthcoming study by an academic or research institution commissioned by the Independent Police Auditor to examine the racial disparity in use of force incidents that occurred in the county. He added that disparity does not necessarily mean discrimination and provided a hypothetical example.

Discussion ensued related to the Panel's desire for more support to back up the FCPD's conclusions related to allegations of bias within the investigation files.

Ms. Doane commented that for allegations of racial bias, it would be helpful for the Panel if the FCPD included officer social media history in the investigation file to support or dismiss allegations of explicit bias. Major Owens replied that if the officer's social media information is publicly available, it could be investigated.

Mr. Kay added that the extra investigative step of reviewing publicly sourced social media information and including the results in the investigative file would be very helpful to the Panel.

Major Cleveland described the FCPD's early identification process where command staff meets quarterly to discuss racial bias complaints against officers. Ms. Doane suggested that the results of the early identification process meetings should be included in the investigation file as evidence to further support the FCPD's conclusion.

At 10:12, a five-minute break was taken. The training resumed at 10:17.

Session 3: Use of Force/De-escalation and Crisis Intervention Training

Ms. Doane referenced incidents that have occurred across the nation where individuals with down syndrome and other disabilities have died due to a particular take down maneuver by the police where the individual is placed on the ground face down with their hands behind their back. This position can result in death due to respiratory distress. Is the FCPD aware of these incidents and have been taken to address this issue? Police First Class Wallace replied that the cause of death in these situations is called positional asphyxiation. In the Academy, recruits are taught how to think under stress and communicate to ensure the safety of all individuals involved. Major Cleveland added that engaging with members of this community and their families helps the FCPD understand their concerns.

Ms. Doane suggested that the CIT training curriculum include parent input since parents have different perspectives than clinicians. Sargent Culkin replied that one of the clinicians that assists with CIT training is also a parent of a child on the autism spectrum.

Mr. Cluck said he was a family presenter for CIT training related to mental health and asked whether the program still existed. Sargent Culkin replied that the National Alliance on Mental Illness (NAMI) and other mental health associations train officers on mental health issues.

Ms. VanLowe said that she and other Panel Members previously sat in on CIT training sessions and thought it was very helpful to see the training officers receive. She asked that the training remain available for Panel Members to attend.

Session 4: Administrative Investigation Overview, Investigation and Review Process, and Disposition Letters

The Panel discussed the importance of the FCPD soliciting independent legal analyses for Fourth Amendment issues arising in their investigations. Mr. Kay suggested that the Panel request independent legal analyses on a case by case basis.

Ms. Doane: Why would the Bureau Commander reverse a determination made by the Internal Affairs Bureau (IAB) or send an investigation back to IAB? Major Owens replied that everyone has different

opinions and values. The review process provides the complainant, community, and the officers due process. He said that the Chief makes the ultimate decision regarding the findings of the investigation.

The Panel discussed the 60-day deadline, as outlined in their Bylaws, for FCPD investigations to be completed.

Ms. Doane asked that the FCPD include explicit reasons as to why an extension is needed in their extension requests to the Panel.

Ms. Doane requested that the FCPD investigation files contain a table of contents so that it is clear to Panel Members what is included in the file.

The training session adjourned at 12:14 p.m.