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BOARD MATTER

Establishment of the Ad Hoc Police Practices Review Commission

March 3, 2015 (As Amended)

Fairfax County is the safest jurisdiction of its size due in no small part to the hard work and dedication of our public safety personnel. The Fairfax County Police Department, celebrating its 75th anniversary this year, has long served and protected our community, and through a model of community policing has built and maintained the public trust and confidence.

The Board of Supervisors and the Police Department recognize the importance of maintaining that public trust and the importance of always reviewing policies and practices and seeking to improve.

To that end, the Board of Supervisors is taking a hard look at the way Fairfax County handles significant police-involved incidents. On January 13, the Board directed the County Executive to seek independent expertise to assist us in reviewing policies and procedures with respect to information disclosures in the case of serious incidents involving the police department. That work is underway.

Prior to that, in July of last year, the Chief of Police enlisted the services of the Police Executive Research Forum to review our Police Department's use-of-force and critical incident response policies, training, and practices. This work is being led by an oversight board established by the Internal Auditor in order to ensure objectivity. The results of this review are due this month.

Informally, I have had discussions with senior County staff regarding ways Fairfax County can improve our policies and procedures in order to strengthen the public's trust of public safety and Fairfax County government. I have also had conversations with members of the local media to better understand their expectations as to how and when information should be released.

I believe these efforts to evaluate our current practices and to effect change can be enhanced through engagement with our community in an open and transparent engagement process. To that end, I am establishing an Ad Hoc Police Practices Review Commission.

This Commission should recommend changes, consistent with Virginia law, that the Commission feels would help Fairfax County to achieve its goal of maintaining a safe community, ensuring a culture of public trust and making sure our policies provide for the fair and timely resolution of Police-involved incidents.

The Commission will be tasked with:

- **Reviewing existing policies, practices and programs regarding police-community relations;**
- **Reviewing existing policies, practices and laws regarding police-involved incidents, including:**
 - History of recent use-of-force (lethal and non-lethal) incidents involving FCPD and subsequent public release of information;
 - FCPD use-of-force training policies;
 - FCPD threat assessment policies;
 - FCPD Internal Affairs Division policies.
- **Reviewing the policies, practices and laws regarding the public release of information, including:**
 - relevant provisions of the Virginia Freedom of Information Act and statutory and case law;
 - the roles of Police Public Information Officers and the Office of Public Affairs;
 - the role and relationship between the FCPD, the Office of the County Attorney, and the Office of the Commonwealth's Attorney.

The Commission may solicit presentations from local, regional, state or national organizations regarding best practices related to use-of-force and the public release of information by law enforcement bodies. The Commission

should seek out models for investigation of serious police-involved incidents that are different from what is currently the practice in Fairfax County. In addition to the organizations represented on the Commission, presentations/information could be sought from the other relevant organizations.

In making their recommendations, the Commission should review the results of our Board-authorized consultant review of information release policies as well as results of the review of FCPD policies by the Police Executive Research Forum. However, the Commission should not wait on those results to begin their review of existing Fairfax County policies.

I have asked **Michael Hershman**, one of our two Citizen Members of our Board's Audit Committee to chair this Commission. I have attached Mike's bio for your information and feel that he is uniquely qualified to chair this effort.

Membership of the committee will be comprised of citizen members, law enforcement and legal experts, media, and representatives from academia.

I therefore move that the Board of Supervisors directs staff from all relevant departments to support and assist with the work of the

Commission. Requests for information approved by the Commission will be made through Mr. Rohrer.

The Chairman of the Commission, working with County staff and my office, is asked to develop a work plan and timeline to facilitate delivery of their recommendations to the Board of Supervisors by October 1.