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Fairfax County Board of Supervisors Safety and Security Committee, Tuesday, October 3, 2023

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[00:00:03] Good afternoon everyone. We are ready to start the Public Safety Committee meeting for today, October 3rd. And our order of business today is Chief Davis will be providing a report in response to a couple of pieces of information. The first is the PERF report. He's got some data he'll be sharing relative to his comments in response to it. And then second, we had a matrix Working Group Committee that made some recommendations to this board, consolidating

[00:00:40] a number of recommendations that were on our original matrix for the community, and the chief will be providing an update in response to those recommendations that came from that matrix working group.

[00:00:57] I want to set the table here and be clear in saying that we're not going to be able to address all of the recommendations, but he's going to be able to give us an update on those that will be included in the report today. We will commit that we will come back. There will be a follow-up, obviously, for us to address those remaining items and to have this committee be briefed on those. So with that introduction, let me go ahead and turn it over to Chief Davis.

[00:01:25] Thank you, Chief Kevin Davis, Fairfax County Police Department. Thank you, Chairman Lusk, good afternoon chairman mckay and good afternoon to the entire board of supervisors i'm joined by major robert hines who's going to operate the powerpoint and start from slide one i also joined by the

independent police auditor mr richard schott so are we having a dramatic pause while the powerpoint comes up i believe let's go to the next page okay in the spring of 2022 the fcpd

[00:02:03] partnered with the Police Executive Research Forum, or PERF, in response to recent officer-involved shootings. Around the same time, FCPD leadership was requested to assist with the police matrix working group's efforts to condense a public safety matrix created through the Safety and Security Chairman's Office. We are extremely appreciative of the work of both groups and their recommendations towards existing FCPD practices, policies, and training. The purpose of today's presentation will be to go over some of these collective recommendations briefly

[00:02:38] with respect to our allotted time today and provide the opportunity for feedback and questions from the board. Next slide. The FCPD spent extensive time and individually vetted each recommendation made to it this year by PERF and the Matrix Working Group. Out of our sincere respect of their collective work the fcpd has responded to each recommendation formally we've already sent our perf responses to the board of supervisors and a 79 page response to the matrix

[00:03:11] working group that is making its way right now to the board of supervisors after our review of all recommendations we're very pleased to note that the fcpd has either adopted partially or in totality or is currently in the process of adopting the vast majority of recommendations made to the department by each group. I think that's important. Specifically, 13 of the 15 recommendations made to the FCPD by PERF in their report have already been fully implemented or are in the process of

[00:03:47] being fully implemented. 13 out of 15. Of the original 300 recommendations made to Supervisor LUS office by the community that were condensed to approximately 50 by the Matrix Working Group. Only seven were either not currently implemented or adopted either partially or in totality by the FCPD for reasons we will briefly outline today. Next slide. FCPD has prioritized PERF ICAT training for all of our police officers. Again, ICAT, Integrating Communications Assessment and Tactics.

[00:04:22] It is by far considered the gold standard in use of force training, de-escalation, diffusion throughout the country, and that's research-based results as well. So we're really happy to announce that we are fully trained in ICAT. FCPV believes and adheres to the principles of the critical decision-making model outline and purse report.

[00:04:44] The critical decision-making model instruction exists throughout our basic recruit training, continues throughout a police officer's career and is ingrained in the FCPD training policy and agency culture. The ICAT training program, which is anchored by the critical decision-making model, helps officers better assess situations, make safe and effective decisions, and learn from their actions. FCPD concurs with supervisor on-scene assessment for mental health calls and will continue to partner with the Community Services Board on the co-responder model.

[00:05:23] General Order 609, which talks about mental health calls for service, has now been updated to require mandatory supervisory response to known behavioral health calls in response to this PERF recommendation. So that's done.

[00:05:39] FCPD agrees with the PERF recommendation to distribute body-worn cameras to all operational officers, including members of specialized units. All of those officers are now required and equipped with body-worn cameras, and they're required to use them in accordance with our general order.

[00:05:59] That's done. FCPD notes it has been an existing and ongoing practice for all supervisors and internal affairs detectives to review all actions taken by its officers during administrative investigations to ensure their actions were in compliance with policy. This process is required by FCPD general order that covers internal investigations. FCPD is committed to meeting and adhering with the 45-day meeting period recommended by PERF to assemble our performance review board. Our performance review board is still relatively new, just over a year,

[00:06:38] and we are now completely up to date on our 45-day meeting requirement that is done as well. Next slide. So we're continuing on the PERF recommendations. The FCPD routinely engages in tactical debrief with members of the department's executive and administrative staff as well as agency subject matter experts immediately following officer-involved critical incidents.

[00:07:03] Typically, these debriefs occur the following day after an event and assess all known information and evidence gathered at the time. We're doing that. Since early March of 2023, the FCPD has adopted and implemented a foot pursuit data collection policy. This policy, which can be found in the publicly available Regulation 203.8, reinforces ongoing FCPD training initiatives and best practices designed to meet the needs of our community. So we have a foot pursuit data collection policy. There are only 18 other police departments in the country that have any semblance

[00:07:42] of a foot pursuit policy. It's not particularly different than what we've put forward so far, and we're continuing to seek the next level, and that's something we're committed to. We've also significantly improved our data capturing, and we've required supervisor and command oversight of all FCPD foot pursuits. The FCPD also agrees with PERF's recommendation that better data capturing regarding the total number of mental health-based calls is needed by the agency. The department's current records management system has significant limitations

[00:08:20] on how these encounters can be accurately recorded and captured. The FCPD currently anticipates transitioning to our new records management system by the fall of 2024, and that will help us better capture what is currently significantly unreported. PERF and the working Group's recommendation to move to a necessary and proportional standard for use of force is not reflected in the Code of Virginia DCJS training standards or controlling case law in the Commonwealth

[00:08:54] of Virginia. Virginia's General Assembly has not seen fit to adopt this standard at this time. The United States Supreme Court Department of Justice, the International Association of Chiefs of Police, Virginia case law, the Department of Criminal Justice Services, or DCJS, and the majority of all law enforcement agencies follow the Graham v. Conner objective reasonableness standard.

[00:09:19] Objective reasonableness is also recommended by the independent police auditor and our own county attorney's office and meets both our national and state accreditation standards. The necessary and proportional standard is ambiguous and nebulous in scope. Thus, it is wholly unclear as to how this could be trained to our officers, applied in the field, or ultimately adjudicated in either criminal or civil court. It's worth noting that FCPD's force standard, as noted by PERF in their assessment, actually goes beyond the objective reasonableness standard by requiring standards

[00:09:57] to include the duty to intervene, a ban on chokeholds, higher standards pertaining to the deployment of less lethal force options, including electronic control weapons or tasers, requirements of de-escalation and application of crisis intervention techniques and other components unique to the FCPD

which fundamentally reflect our community's needs and expectations. The FCPD reviewed PERF's recommendation pertaining to shooting into or from moving vehicles in General

[00:10:29] Order 540 and found the standard to be clear and unambiguous. FCPD's policy fundamentally states that our officers are prohibited from shooting into, at, or from moving vehicles unless there is a threat of death or serious bodily injury to the officer or another person. Our officers are required to move out of the way of oncoming vehicles whenever possible. Our officers may never intentionally place themselves in the path of an oncoming vehicle as a means to justify the

[00:11:07] use of deadly force. Recent incidents in New York City, Wisconsin, and closer to home in Charlottesville at mass gatherings have sadly exemplified in previous years how a person intent on inflicting mass casualties can use a motor vehicle as a deadly weapon against large contingencies of people, and we believe our current standard fully meets the needs and expectations of our community at this time. Slide five. As mentioned, the FCPD values and appreciates

[00:11:44] the hard work of the Matrix Working Group. We're going to transition to their recommendations. We are very proud regarding the Matrix Working Group to report upon review that most recommendations are already implemented in the department's programs, in our training, and in our policies in response to the original matrix recommendations. While we can't cover all the recommendations made by the group here today, our report making its way to you will cover it. In the interest of time, I will address some of these key suggestions and will relegate the remainder of the department's

[00:12:21] formal written response to the board when it arrives to you. Again, this written response is 79 pages. Regarding the recommendation to further commit to the co-responder program, As previously noted, the FCPD reiterates its support to staffing the co-responder program with CIT-trained officers. It's something that I think the entire county should be very proud of, and we certainly are. FCPD fully supports and will continue to work with county-based alternative accountability and diversion-based programs to divert individuals suffering from

[00:12:57] behavioral health or substance abuse concerns whenever possible away from our criminal justice system and into treatment and county-based support programs. FCPD for years has proudly partnered with county diversion-based initiatives to include but not limited to Diversion First.

[00:13:16] Here it is worth noting that since partnering with Diversion First that started back in 2016, FCPD officers have successfully steered over 3,500 individuals from the criminal justice system into mental health treatment programs.

[00:13:33] 3,500. We're committed to continue to work with our county detox services and Innova-based medical practices. The Alternative Accountability Program is something we remain committed to, and the Fairfax County General District Court of Veterans Drug and Mental Health dockets, all very successful programs. All of these programs are referenced actually throughout FCPD training and our general orders. Next slide. The FCPD agrees with the working matrix group that force whenever used should never extend longer than necessary to accomplish a legitimate law

[00:14:11] enforcement purpose and officers should make reasonable efforts to avoid force and de-escalate whenever possible. The FCPD does not concur that the pointing of a firearm be classified as a use of force as this does not reflect the Fourth Circuit standard nor follows the guidance of the County

Attorney's Office. Consistent with the United States Court of Appeals for the Fourth Circuit, U.S. v. Taylor, and Harris v. Commonwealth, the pointing of a firearm by a police officer

[00:14:45] constitutes a show of authority or a method of restraint and does not rise to the level of a use of force. FCPD also remains one of the only agencies in the entire Commonwealth, or the region for that matter, that routinely documents, investigates, and annually reports out on the pointing of firearm instances in a similar manner that the department reports use of force investigations. We do capture them and review them. Also regarding FCPD's working

[00:15:18] definition of the term de-escalation and commitment to the duty to intervene as used in General Order 540, both were established with the input of community feedback as recently as last summer. FCPD officers are required, required to use de-escalation strategies whenever possible to ideally prevent all situations from deteriorating to a point where force may inevitably become necessary. I introduced a new de-escalation award. We introduced a new de-escalation award to the

[00:15:53] agency for our officers who exhibit and ultimately demonstrate exemplary de-escalation tactics in the field, which are also frequently highlighted in the department's weekly spotlight videos that we send to the board weekly, and they're prepared by our Public Affairs Bureau.

[00:16:10] The duty to intervene has been a component of FCPD's use of force policy since 2016 and requires officers to not only intervene in cases of suspected excessive force, but immediately summon a supervisor and imposes strict prohibitions on retaliation against any employee who reports or cooperates in an excessive force investigation. In furtherance of our commitment, I mandated in

[00:16:42] 2022 that all FCPD officers undergo mandatory active bystandership for law enforcement. You know it as ABLE, training devised and sponsored right down the road by Georgetown University Law School at the Fairfax County Criminal Justice Academy.

[00:17:00] Our entire agency has been through that training, and it's a yearly retrainer commitment that we made with Georgetown Law, and that bystandership training remains in our curriculum from this point forward.

[00:17:16] Additionally, the working group made recommendations to either improve or set standards regarding chokeholds, prone restraints, strip searches, ketamine, and the use of spit hoods. Controlling language on these topics have existed in FCPD policies for several years and specifically notes that prone restraints are neither taught nor sanctioned by the FCPD, period. Chokeholds are strictly prohibited by FCPD officers. No FCPD officer, with the exception of medically trained

[00:17:52] and certified members of the department's helicopter division and the rendering of life-saving measures to a person are trained, issued, equipped, nor permitted to use ketamine on any individual in the performance of their duties. Spit hoods exist but are rarely used by FCPD officers. However, they remain indispensable tools to be used in the rarest of occasions with violently resisting persons in order to protect officers from exposures to contagious diseases that N95 masks, personal protection equipment, and other devices cannot account for or protect

[00:18:30] against. And finally, FCPD officers are only permitted to conduct strip searches in the most extreme circumstances. I can't recall one during my two-and-a-half-year tenure that's occurred, where one, officers can articulate a weapon is hidden in a manner that cannot be detected through traditional search methods, and or two, under a magistrate judge-issued search warrant.

[00:18:55] FCPD officers are prevented from conducting strip searches unless exigent circumstances exist. Next slide, independent oversight. Regarding the recommendations on independent oversight, the FCPD has engaged in mutually respective dialogue and cooperation with both the civilian review panel and the independent police auditor since the creation of these two entities, and we do not concur that any of these changes are necessary, merited by any deficiency on the part of the FCPD or required under any

[00:19:31] objective review of the circumstances since the creation of both the CRP and the IPA. Historically, the FCPD has maintained constructive working relationships that exist now with both the civilian review panel and the independent police auditor and has been reported annually to the Board of Supervisors during previous safety and security meetings. To date, there has never been any disagreement with our independent police auditor and FCPD on any incident review falling within the investigative purview of the independent police auditor. Additionally, there has only been

[00:20:10] one published disagreement between the FCPD and the CRP in its approximately six-year existence, which was worked through and resolved in accordance with the CRP's bylaws and FCPD's obligation to work collaboratively with the CRP.

[00:20:28] Similarly, FCPD does not occur with the working group's recommendation to have the independent police auditor recommend independent criminal investigations be conducted against FCPD members for officer-involved shootings and in-custody deaths. Next slide.

[00:20:45] FCPD concurs with the working group's recommendation to continue building upon existing department commitment to community-based policing by strengthening relationships between police officers and our community. Since I took over as your chief in the spring of 2021, the FCPD has continued to dedicate itself to finding new and innovative ways to connect with the community we are so fortunate to serve.

[00:21:11] Some examples of our more noteworthy achievements during this time, and again, I'll be brief, include the following. The revision of all 72 FCPD general orders, revised them all, to reflect our commitment to better serve and protect our community members, as well as address community needs.

[00:21:31] Some key revisions include the shift to permit concurrent administrative and criminal investigations of department employees to better expedite resolutions. The incorporation of the county's trust policy into General Order 402, which governed departmental release of information.

[00:21:51] The requirement that in-car video or body-worn camera footage be released to the public within 30 days of a police-affiliated critical incident. And on average, we've been anywhere between two weeks and 30 days each and every time, and we're proud of that.

[00:22:07] The restriction of FCPD vehicle pursuits for violent felonies only, weapons offenses, and incidents where a person constitutes a clear and immediate risk to public safety. This has led to a drop in vehicle pursuits from 145 in 2020 to 112 in 2021 to 38 in 2022 and to 25 year-to-date 2023.

[00:22:36] Mandatory distribution, wearing, and activation of body-worn cameras by all operational patrol and specialty units, FCPD cops, police officers, and the performance of their duties. The reduction of a previous 55-page use of force policy to a more manageable 19-page policy that included multiple rounds of community feedback and places stronger emphasis on officer de-escalation, duty to intervene, prohibition on retaliation, and, as mentioned, the requirement to exhaust all options prior to using force.

[00:23:13] Some of the more noteworthy community-based department training initiatives during this same time period over the last two and a half years have included mandatory implicit bias training, mandatory procedural justice training, active bystandership for law enforcement training, ICAT training to better connect officers personally with communities.

[00:23:35] We've developed a program called IPAC, Integrating Police Officers in Communities, that compels police officers to spend periods of time outside of their police cars during their tour of duty. We have also researched and implemented department equipment and tactics initiatives predicated around the preservation of life whenever possible to include the bowl wrap restraint device that I think most of you have seen. The elimination, we've eliminated all of our lethal shotguns. They don't exist anymore. We've replaced them with shotguns that include

[00:24:10] bean sock, non-lethal devices. The removal, we've completely removed all of our stop sticks from the department. Those are the tire deflating devices that are particularly dangerous when a car runs over them and just spirals out of control often. And we've added our license plate readers and enhanced the placement of cameras throughout our communities. We've also created an auto Crimes Enforcement Unit, which in calendar year 2022 alone recovered 915 stolen vehicles valued at over $26 million. And we've started a National Integrated Ballistics Information Network or NIBIN

[00:24:50] where we collect ballistic evidence and we examine that evidence in real time right here in Fairfax County and don't have to send it down to Richmond and wait for results. That's closed a lot of cases. Internally, the FCPD has created a quarterly internal publication of all Internal Affairs Bureau dispositions.

[00:25:11] We send that out to our entire agency. We've created just recently a Threat Assessment Management Unit to better address potential active violence incidents and to get people diversion and help they need before they commit criminal offenses.

[00:25:28] We've stood up our Office of Data and Strategic Initiatives, ODACI, as we focus more on data-driven police work. We hold weekly crime meetings that we call CORE, and you know them probably as Comstat meetings. We are now an official partner in the nationwide 30 by 30 initiative to recruit, hire, and promote more female officers in the agency.

[00:25:50] That's been a resounding success. The department's first performance review board exists now, and thanks to our partnership with Fire and Rescue, We're now really proud to say that our wellness, police and fire wellness, and the enhancements that we've collectively made are now the best in the country and are actually a big part of our recruiting successes.

[00:26:12] Externally, some of our more noticeable community transparency and outreach initiatives include the FCPD Open Data Portal, Community Public Safety Day at the Criminal Justice Academy, Join FCPD Hiring website and marketing campaign. It's been a big success.

[00:26:28] In 2022, we achieved national and state accreditation certifications. We've enlisted the help of both Axon and Blockwise, two vendors in the law enforcement space, to conduct public surveys on our officers' performances and to obtain community perception feedback.

[00:26:48] And we've also enrolled two of the largest and started, rather, our last two police academy classes have been two of the largest in 10 years and the two most diverse classes in the history of the FCPD. Finally, we're also conducting a multi-year longitudinal study with George Mason University and the

National Policing Institute to improve recruiting and retention. The working group's recommendation to establish protocols for regular community participation and listening sessions on the role of police and FCPD practices, policies, and training is reflected primarily

[00:27:25] and our long-standing community advisory councils that exist at each of our eight district stations, and they continue to be very helpful for feedback. Our station commanders, and you all know them because they work in your buildings, still continue to participate in Coffee with a Cop and Citizens Community Police Academy, National Night Out, Public Safety Days, CACs, Open Houses, Hidden in Plain Sight, Breakfast and Faith-Based Leadership Initiatives, et cetera.

[00:27:54] you all have been part of those events for years. Regarding the Matrix Working Group's recommendation that FCPD policy production include representatives from affected communities, the FCPD, since 2015, has routinely partnered with community members for both input and feedback.

[00:28:12] Next slide. We're continuing on the Matrix Working Group recommendations. The FCPD fully concurs and appreciates the Working Group's recommendation that FCPD remain competitive in pay and benefits. I think we've certainly realized the benefits from the Board of Supervisors, the Chairman, the Board, the County Executive, the Deputy County Executive, and everyone in this room, particularly regarding our FY24 county budget, the hiring incentive that we think plays an important role, we're positioned to succeed and make great strides.

[00:28:47] Regarding the recommendation that FCPD provide summary reports of recruiting activities, the FCPD notes that it has dramatically expanded its diversity recruiting efforts. It's something, again, that we're very proud of. One statistic alone, two and a half years ago, our agency was 15% female.

[00:29:08] Now we're 20%. So that 5% movement is significant. I'm speeding this up and respect for your time. The FCPD concurs with the Matrix Working Group's recommendation to prioritize, incentivize, and reward positive policing behavior.

[00:29:27] We actually, again, have a duty to intervene. We reward people with de-escalation awards, and it's something we believe is making a difference. Regarding the matrix working groups about the receipt or the ease that community members can make complaints about police practices or conduct, there's many ways they can do it in person, third party, anonymously, by telephone, email, mail, online, written complaints.

[00:29:57] They can be made to any police employee. They can be made directly to the civilian review panel or directly to the independent police auditor. If there are other ways to be more inclusive and more accommodating, we're interested in getting better and hearing about those ways as well.

[00:30:13] The FCPD concurs with the Matrix Working Group regarding the recommendation to commit to programs supporting officer physical and mental wellness. I spoke about that regarding our partnership with fire and rescue. Our officers have 24-7 access to many support mechanisms that are the envy, I can tell you, that are the envy of other police departments who routinely visit FCPD and FRD to take a look at what we've collectively put together. Regarding the Matrix Working Group recommendation that

[00:30:47] mandatory drug and steroid testing should be conducted on any police officer-involved incident that results in death or serious injury, the FCPD respectfully contends that this particular recommendation would unfairly stigmatize officers who are involved in these traumatic incidents.

[00:31:05] The FCPD notes that the Law Enforcement Officers Procedural Guarantee Act enables me as the chief of police to drug or alcohol or alcohol test any FCPD employee at my discretion, and it's certainly a right that I reserve and won't hesitate to take advantage of if necessary. Any employee suspected of engaging in these types of substance abuses is subject to immediate testing, relief of duty, and an administrative and or criminal investigation. The recommendation by the Matrix Working Group

[00:31:43] regarding early intervention designed to proactively identify and treat officers at potential risk of using excessive force has been in place with the FCPD since 2012. Next slide. The Working Group's recommendation to provide public access to demographic data via the online searchable database as it pertains to pedestrian and traffic stops, frisks, searches, citations, warnings, summonses, arrests, and uses of forces already being conducted by FCPD in accordance with the Virginia Community Policing Act.

[00:32:18] It's a law. The data is routinely posted on our department's open data portal, as well as the Virginia State Police's Community Policing Act data page. Additionally, the working group's recommendation that FCPD identify minor offenses linked to behavioral health issues in minority populations to assess perceived disparities is something the FCPD routinely assesses, and it's an area where we're very much interested in getting better at.

[00:32:48] Specifically, as it pertains to the recommendations by the matrix working group that annual or biannual analysis be conducted regarding use of force data, the FCPD notes that it routinely monitors use of force trends and patterns to evaluate those patterns and or identify disparities. Regarding the recommendation that all police stops that evolve from minor violations to uses of force be evaluated to identify and flag police officers whose interactions reflect a pattern, the FCPD responds by noting that for decades all police stops, whether traffic-based,

[00:33:25] investigative-based or otherwise, that result in any use of force, regardless of the severity of the initial violation or legal basis for detainment, are required to be investigated and thoroughly documented by our Internal Affairs Bureau. Each individual force case is required by policy to be reviewed through multiple levels of command authority. Next slide. The working group recommends that the FCPD's current 30-day mandatory release policy for body-worn camera footage within 30 days of a police-affiliated critical incident,

[00:34:02] they recommend that we reduce the 30 days to 10 days. However, this would unintentionally negate our ability to conduct a thorough objective and concurrent preliminary criminal and administrative investigation.

[00:34:17] And I know that's not the intent of the Matrix Working Group. Going from 30 days to 10 days hurts our ability to get to the heart or the truth of a matter. 30-day window that now exists facilitates prompt and timely initiations of both administrative and criminal investigations, concurrent investigations, and ultimately protects the integrity of the investigation. The working group proffers that body-worn camera analysis is needed during use of force cases to include the accuracy of characterization of a community member's race.

[00:34:54] To be clear, by policy, body-worn camera footage is audited monthly throughout the department. All officers are required to be audited at a minimum of once every three months by their supervisor, and all results are submitted to the department's internal affairs for tracking.

[00:35:11] Additionally, it is noted that FCPD officers are not required to request and are generally not empowered to demand that a person divulge their race, gender, nor any other personal characteristic during an interaction with the police officer.

[00:35:29] Thus, these statistics are predominantly reported based upon the officer's personal and good-faith observations unless the person we're interacting with freely and voluntarily states otherwise. The working group seeks publication of a publicly searchable database showing where officers have been found to have violated FCPD policy or the law, committed official misconduct, or resigned under investigation. The FCPD does not concur with this request as it would directly violate the provisions of the Virginia Freedom of Information Act since these particular records

[00:36:07] constitute both personnel information and law enforcement administrative investigative files. Additionally, it's noted that FCPD annually publishes an Internal Affairs Investigative Summary Report on all allegations of misconduct and resolution to include officers who are found sustained on violations ranging from a simple missed assignment to criminal infractions.

[00:36:31] All officers who commit acts of official misconduct are required to be reported by us to the Virginia Department of Criminal Justice Services in the event they seek to be rehired by another agency in the Commonwealth. Almost there. As it pertains to the disclosure of department information, the working group recommends the department adopt a predisposition to disclose approach with FCPD public records. FCPD agrees and notes that the policy section of FCPD General Order 402, Release of Information, produced with multiple rounds of community

[00:37:08] feedback, states the following in the first sentence of our policy section found on page one, and I'll quote, it is the policy of the department to embrace openness, seek transparency, and commit to a predisposition to disclose information to the community in a timely manner.

[00:37:26] This obligation is essential to maintaining public trust and ensuring department accountability. And I certainly don't or won't claim to speak for the local media, but I think it's fair to say that our department is widely viewed by local media folks as accessible, transparent, and timely in our responses.

[00:37:48] Next slide. Specialized police units, and I talked about those as well, The working group recommends some additional work surrounding these specialized units and how officers are selected and trained. Generally speaking, it's relevant to note in response that most, if not all, department specialty units are created to address statistically-based increases in very specific crimes or trends and thus designed to promote overall public safety and lowering of crime rates.

[00:38:22] These specialty units are predominantly intelligence-led strategies that focus on the most violent offenses and known or discovered repeat offenders. They rarely, these specialty units, rarely respond to or coordinate unplanned self-initiated events.

[00:38:40] The group further recommends that the investigatory role of school resource officers, or SROs, be limited to only serious violent felonies deemed not appropriate for resolution through the school's disciplinary process. And I'm not going to go through every note that I have on this.

[00:38:57] We have a FCPS, FCPD, MOU that provides very public insight as to the purpose, the boundaries, and the partnerships that exist between the schools and the police department, which again is a program that receives national attention and people visit us all the time to see how we do what we do. It's

important to note in response to this recommendation that SROs often write the majority of their reports based upon students reporting known or suspected criminal misconduct. And most of those reports are not misconduct that occurs on school grounds,

[00:39:37] but misconduct that occurs in the community surrounding the school. Our SROs are expected and required to thoroughly investigate these reported incidents. They do not, however, have the ability to arrest or obtain criminal charges on a juvenile offender in the majority of all these cases. When an SRO completes an investigation, they are required to forward their findings to a juvenile justice specialist in the juvenile court known as an intake officer. And the intake officer uses a clearinghouse model required by law to determine if the juvenile offender or the

[00:40:12] young offender, I'm only using juvenile, a young person, is eligible for restorative justice, diversion, or based on an existing formula, evaluates past offenses, the severity of the suspected crime, and additional services that may be available. No one in the FCPD, particularly SROs, can supersede this process. Whenever appropriate officers are further expected to process delinquent young people or people, juveniles, who commit crimes that are only a crime based on their age informally through the criminal justice system, particularly those

[00:40:50] juveniles, young people who commit status offenses, those in need of protection or supervision, and those suspected of committing minor and nonviolent criminal infractions in lieu of a criminal prosecution. I'll just skip down and say this regarding SROs. We currently enroll, I believe over 181,000 students annually. SROs submitted a total of 1,377 incident reports in

[00:41:21] 2022. School personnel, faculty, staff, teachers initiated 71% of those reports and SROs self initiated only 6% of those reports. Regarding arrests in the 2021-2022 school year, the grand total of arrests were 82 and they involved 63 students and non-students so finally the next steps we've covered a lot of ground here and I appreciate your patience I'll inevitably be you know receive some constructive criticism

[00:41:59] about not going into enough detail but I believe that's forthcoming so I apologize for the hypocrisy of trying to get through this and knowing that you're going to receive a full report that's about 79 pages so we're committed to again continuing this work you know a lot of you know words have meanings and the word that i think the profession has begun to embrace and not just the profession but the governments and the communities that surround policing in america is uh is policing is always evolving so that's a more forward-looking positive uh terminology than perhaps the old school terminology of reform

[00:42:38] There are certainly things that we need to fix, have fixed by and large, but the bulk of our work is forward-facing and to face the challenges of our policing in a manner that views these things and it's constantly difficult because we're dealing with persons and families and communities in crisis.

[00:42:59] But our policies, our training, our procedures are constantly evolving and inevitably they make us better. So with that, I'm happy to take any questions. Again, I'm joined by a couple of subject matter experts to my right and Major Hines and our independent police auditor, Mr. Richard Schott.

[00:43:21] Chief Davis, can I ask a question, though? I think there was one more item, the round table. It is. It is. I was trying to read. I didn't want to look up and read body language. This is an important slide. That's why I want to make sure you address it. That I think we're all going to be really, really proud of.

[00:43:38] So bear with me. I have a couple notes on it in addition to what's up on the slide. I'd like to take the opportunity to proudly reference a new community partnership that the FCPD is collaborating with.

[00:43:59] It's called One Fairfax. Our county's chief equity officer, Carla Bruce, who's here today, it's a One Fairfax community roundtable. The One Fairfax Community Roundtable is a community-inclusive endeavor that's predicated around leveraging community member insight, experiences, and understandings of the drivers of inequity whenever it occurs or manifests in Fairfax County.

[00:44:27] And it's never just one agency or one reason. The roundtable will be made up, I'm told, of 19 community members serving limited terms who represent each supervisory district and key community and institutional stakeholders. The Roundtable will seek to provide advice and guidance to all county staff and partners regarding recommendations, plural, to the Chairman's Task Force on Equity and Opportunity.

[00:44:56] Amongst their duties, equity action teams that come from the Roundtable are anticipated to be formed regarding five key equity drivers. One of those equity drivers certainly surrounds community safety and justice, one of the five.

[00:45:12] We anticipate that once fully implemented, and I'm told January of 2024, these teams will engage in meaningful, constructive, mutually reciprocal dialogue with the FCPD as we seek new and evolving innovative ways to better serve our community.

[00:45:28] We know that this initiative will serve as the benchmark for future FCPD advancements in training procedures, policy, and community services, and we certainly look forward to this next page or rather next chapter in community engagements that will help us better evolve.

[00:45:49] Thank you, Chairman. Okay, thank you very much, Chief Davis. Covered a lot during your time here. So let me go back to one of the things that you started off talking about, and that's the 79-page report.

[00:46:08] When do you anticipate having that complete, and then when might we be able to share that with members of the public? So thanks, Chairman. As you can imagine, as much effort and thought that went into the development of the Matrix Working Group, certainly the same amount of thought went into our replies and responses to it.

[00:46:31] So it is complete in draft form, and it's making its way to the Board of Supervisors. So we'll be able to put that on the web once it's finalized? Yes, sir. The PERF report that we've already submitted, the PERF report was not nearly as lengthy as the matrix working group.

[00:46:51] So we were able to acknowledge and respond to the PERF report first and then now followed by the matrix working group. Okay. And then the next thing is obviously with regard to the matrix working group, there was a matrix that they put together with each of their recommendations.

[00:47:11] What I think would be helpful is if we can load your responses onto that matrix as well. So I think having it kind of defined in that place will be helpful. That's number one.

[00:47:27] Number two, on the use of force study by the University of Texas San Antonio, we got so many recommendations from them, and you've been pretty specific in saying we've been able to reach 80% of those recommendations.

[00:47:44] What I think we need to do is to be able to show and document where that 80 percent is and then where the 20 is. So I think the idea here is for us to be able to know which things have already been

checked off, which things continue to remain, and then what the next steps will be with those items.

[00:48:03] Yes, sir. In terms of format, we're open to whatever communicates the progress that we've made. But you'll see once you receive the report, it takes issue, response, issue, response.

[00:48:19] So we're comfortable that that's going to be something we can do. Okay. Now, I'm just making the point that just from a visual standpoint, it just might be even easier if it's on the original matrix that was presented by the working group because they can actually see and follow through it, too. I hear you.

[00:48:35] I think the report is necessary, but I think having the matrix would be helpful as well. Next, I wanted to, I know we talked about it at our last meeting, the status of the co-responder model, and we were hoping that that would be pretty much fully implemented by October.

[00:48:54] Can you give us an update in terms of where we are with it? Tom Arnold, Deputy County Executive. I think with the recent correspondence we provided, we were looking in the month of November to have the fourth team up and running. But I think, you know, again, going back to the August safety and security meeting, we really do want to focus collaboratively with our representative from CSB looking at the telemedicine the telehealth and any other options that exist out there because we think that there's economies of scale there and that we don't know that we would see that much difference with just the fourth team given the complexity and size of the county but to answer your question November okay that's perfect just wanted to make sure people here get to hear that know where

[00:49:32] we are in terms of status on the I'm gonna have two different data questions but in your report on page 10 you talk about the open data portal can you talk a little bit more about what your plans are around kind of expanding the information that might be contained in it and then just give me a sense of where you see that going into the future yes sir i'll ask um major major heinz chairman to to respond to that but we view our open data open data portal as something that's literally going to be a work in progress for a couple years because we want as much as we

[00:50:10] can possibly put on there we want to be able to share it thank you mr chairman major robert hines commander of the fcpd's planning and research bureau our office of data and strategic initiatives falls under my command and our open data portal is something that is quite frankly in its infancy stages and we see this as a way to better connect with our community if you if you access this portal you'll notice ArcGIS mapping of where our officers issue citations, where our officers make arrests.

[00:50:38] We link our data from the, so we effectively report our Community Policing Act data twice. So we do that through the Virginia State Police, and it's published on their website. We also publish it on our website because we want our community members to be able to access that accordingly.

[00:50:56] One of the other things we actually put on there as well is the diversity of our workforce. That's updated quarterly. That's something that we're extremely proud of. So in response to your question, sir, it's one of those things that we see as evolving through the years. We see our community as being a big advocate for us in this.

[00:51:12] And what our community needs to see on that data portal is something that we want to take a look at and see if it's something that we can do. MR. OK. Now, I appreciate that point. It wasn't a leading question, but what you basically said is the next point I wanted to go to. So thinking about the roundtable, and I think the roundtable idea is phenomenal.

[00:51:29] So I want to thank you, Carla, for your efforts here in helping us kind of come up with this. The question I have is kind of twofold. One, I anticipate that there are going to be specific issues that are going to be dealt with in that roundtable that might need some subject matter expertise.

[00:51:48] So let's say we're talking about data and transparency, and we've got members of our committee who are, I'm not to say they're not experts in data and transparency, but let's just say that's not the area that they are the most knowledgeable. We have to figure out how we might add that level of expertise.

[00:52:09] And I guess the question is, I don't know if this might be for Carla, you know, what's the process, what's the method by which we would be able to kind of bring in those necessary participants to kind of round out those that are a part of the roundtable?

[00:52:25] Yes, Carla Bruce, County's Chief Equity Officer. And so it's the intent of the roundtable that we would have embedded expertise within the 19 appointed members, but that in order to bring in technical expertise and, frankly, lived experience, that we would either through a self-nomination process or targeted recruitment bring in other folks from the community, whether they are residents or bring technical expertise from some other area to participate in what we're referring to as equity action teams.

[00:53:03] As well, these groups will work very closely with county staff, and it's the facilitated exchange between community participation and the involvement of county staff that will enable us to, you know, make sure that these teams are producing recommendations around policy and practice that are fully informed.

[00:53:23] Okay. No, that makes perfect sense. So I appreciate that clarification. And then I'll ask one more question and move to my colleagues. So just thinking out loud, on the data transparency, we've just hired a new data scientist. We're still working on our records management kind of program for the department.

[00:53:41] So there's some things that are evolving. And acknowledging that we want to have this roundtable assembled with the new board, my guess is, just thinking out loud, it will probably not be up and running until the first quarter of 2024.

[00:53:57] So in light of that, just the point that we know there are things that are happening with data, I would maybe ask Chief Davis if we could work with Carla because I think we're going to have to have some way to engage the community in the conversations around what we are doing in preparation for some of the changes with data.

[00:54:19] So I don't know if you have a... comment there or a thought there, but just try to understand what's the best method in light of the fact that we will not be able to really start this roundtable until probably next year. Thank you, Chairman. I'm obviously going to rely on Carla's expertise, and I'll have, I'm sure, a conversation or two with her about how to bridge that gap, but we're excited about this new roundtable, and we think it's a way that will be really inclusive of the 1.3-plus million folks here, So, it's exciting.

[00:54:53] No, no, I agree. Now, I'll conclude by saying thank you for the presentation that you just provided. Thank you for the responses to the questions here. And we look forward to continuing this conversation because I think we're just in the beginning phases.

[00:55:09] We've got some additional follow-ups that we will be scheduling into next year. So, with that, I will turn it over to the chairman, Chairman McKay. Thank you, Supervisor Lusk. And, Chief, thank you and your team for a thorough presentation. We know it's not the level of detail on each of these issues, and I appreciate that we'll be getting that supplemental docket soon.

[00:55:32] Just a few questions and then a couple comments. First, on the ICAT training, you mentioned that every sworn officer is receiving this training, and I just want to clarify, sometimes it can mean different things to different people.

[00:55:48] Are we saying every officer or every patrol officer? Every officer, Chairman. Every sworn police officer, yes, sir. Okay, good. And another question, I think it follows on to what Supervisor Luss was talking about a moment ago, which is the new records management system.

[00:56:05] This is big because we've been told, you know, repeatedly that there's some shortcomings in our existing antiquated records management system. And so if you could at some point in time, maybe it's in the 79-page document. If it's not, if you could provide us a memo to kind of outline for us the features that this will have and how it will address a lot of the records issues and data issues that we've had in years past just to make sure that what I don't want to do is get into a new records management system and learn of some shortcomings with it after it's operational.

[00:56:40] And so if you could get to us kind of what those new enhancements are to a certain extent, that would be helpful to us, at least in thinking through the comments we've received over, you know, years' time where we might have a data set that is inadequate.

[00:57:00] So that's just a request. Yes, sir. And we agree, Chairman, with what PERF observed. We had already observed, depending on how a call for police service is dispatched, it may not be cleared in a way that reflects the fact that we just engaged in an interaction with someone in mental or behavioral crisis. And the easiest example of that is it may be defined initially as trespassing. It may be defined as something else, But we need to clear it in a way that reflects what it really was.

[00:57:35] So we know those numbers are going to go up. Yeah, and I appreciate that because I think anytime we're looking at data, there needs to be a big asterisk because you enter it as the wrong type of an event or count it the wrong way could really skew the numbers.

[00:57:51] And we want to be as transparent as possible in what's happening. But by the same token, we don't want to do ourselves a disservice in addition on numbers to make it appear like things are happening in the community that they're not. And so I think this data collection piece is really important.

[00:58:09] A question for you, and I know this is a sensitive area, and I'm not attempting to hash it out here. But in terms of the use of force issues and, you know, the request to go further to strengthen the sanctity of life language, and I know that you use that term properly.

[00:58:32] I think of just about every press conference that I've seen, at some point in time that comes up. And I know that's what our standard is, but I know we disagree with the PERF recommendation about this issue. And I know there's case law that supports our position.

[00:58:49] I guess the question I'm having is, and this is something, again, we can have further conversation on at another time, but the standard of employment, in my opinion, should not just be what's legally justified in a court of law, but what matches up with our value statement.

[00:59:06] And I know your value statement is sanctity of life. and so i'm just trying to um take those issues and and i'm trying to assess where the gap is there and i think maybe if that's what's one of the things outlined in the memo you know i can appreciate that and take a look at that at that point but i just want to make sure we're not reviewing this only through the lens of what's legally justified but through the lens of what our community police board supervisors value standard is yes sir and there's two lawyers to

[00:59:40] my right, so I'll just respond by referencing our colleagues on the other side of the Potomac River. So it is proportional, reasonable, but it was legislated. So when you think about how jurisdictions make the shift, it's either a court decision typically or it's new legislation similar to the legislation that was enacted a year or so ago in Maryland.

[01:00:07] Right. No, I understand that. And I think it's a good debate for us to continue to have. Debate's the wrong word. A good conversation for us to continue to have, you know, where our standard lines up to what the legal standard is and which one we believe to be the right one.

[01:00:24] You know, obviously, case law can guide our decisions, but aren't the end-all, be-all. The question I have on the foot pursuit policy is I know that there are tremendous shortcomings in existing departments' pursuit policy, and we've had that conversation.

[01:00:43] I know what those are pretty clearly. I appreciate the fact that we're looking at these other departments, but, you know, we don't have, as of today, Is it correct to say as of today we don't necessarily have an explicit policy on this, but that we're working towards a policy and that our policy will be guided by what other departments are doing, but we know that they don't have a particular good policy on this, so in fact we might be creating a sound policy here in Fairfax County that can be a model elsewhere?

[01:01:16] Is that a fair assessment of where we are in terms of establishing a written policy? It is, Chairman. I've personally, along with Major Hines and others on the executive team, we've poured over all the other agencies that seem to have a foot pursuit policy, but their foot pursuit policy, in essence, says refer to your training. That's not really a policy.

[01:01:39] So when we put a policy forward, we want it to actually be a policy and not just a regurgitation regurgitation of refer to your training. We know it's important. We've had some enlightening observations since we started collecting our foot pursuit data. We average in Fairfax County about six foot pursuits a week. And we've learned a lot of things about time of day and geography and circumstances and suspected crimes. So we're happy with the data collection policy, but we realize that's not the policy that folks are talking about. And we're going to get there.

[01:02:17] Okay, and I'm not going to hold you to this at this point, but can you give me a general timeline on when we might get there on that? Early 2024 would be ambitious, but we're going to try to do our best to put it together. That's fair. I just wanted to get a general idea.

[01:02:34] And then I'll wrap up with just two comments. One, I think the data that you shared on the SROs is something that we really need to share out widely with our community. I know there was some consternation about SROs.

[01:02:51] I do know that we have rewritten and rewritten and have what I consider to be and what a lot of people consider to be a national model in terms of the MOU partnership between FCPS and the police department. And I'll just say, I'll just reiterate, you know, my strong support for this.

[01:03:09] And I've talked to a lot of folks in the school system about this. I have my own kids in the school system, and, you know, they do a lot of chatter. But I will say that the numbers that you shared, absolutely going in the right direction. And this is to be a resource to our students, to our school, to our community.

[01:03:28] And I think the more we share the numbers, the progress that's been made, the model MOU that we have, the more we can lead the way in helping, frankly, jurisdictions that are way far behind. Because, frankly, what I see in other places regarding SROs are a black eye for the SRO program everywhere.

[01:03:47] and certainly not representative of what has been happening in Fairfax County. And so I do think sharing that data would be particularly helpful. And then my last comment on the One Fairfax Roundtable, and Ms. Bruce and I have talked pretty extensively about this.

[01:04:04] I do think that this is an absolutely necessary byproduct of the chairman's task force, but also of all the work that we've done in some of the documents here. And as you said, you know, these issues are evolving. Things happen in the community on a daily basis that shape our mind view, and my concern always when you have a group of citizens just focused on one issue, that sometimes you lose perspective on a lot of other issues related to equity, which can be related clearly to public safety, and so I am excited about this as well.

[01:04:38] I will say for critics of the timeline, part of that is also my fault, because in talking with Ms. Bruce. I just think it's fair that the importance of this committee, that this committee be appointed by the next board, because they're going to be serving two-year terms. We're near the end of this term, and I think, frankly, we need to take considerable time to think about who we want to appoint to this committee and make sure that we feel comfortable that we have a group that's representative of the community and both lived experience, as was mentioned, and also So expertise acknowledging that some of that can change over time.

[01:05:17] But I think it's a really important byproduct of the task force to set up this roundtable. And I think it will be invaluable not just to the police department, but to a lot of our county agencies in dealing with this issue. and also seeing how the functions of the county, many of them that are not considered public safety by definition, are very much about public safety and contribute to that.

[01:05:43] And so I appreciate the thought that's been given to this and look forward to working with you, Ms. Bruce, the community representatives on making sure that we have a roundtable that's reflective of the issues that are before us. So thank you. Thank you, Mr. Chairman.

[01:05:59] I will now go to my colleagues, starting with Supervisor Herity, and I'll go down the line. Well, I'm going to be quick up front and save any comments on specific things, but I want to start because it's on top of mine. We have a murder in Springfield District.

[01:06:16] It causes our residents great concern, so thank you for the quick work on Burke Lake and apprehending them. That was good stuff, and it was very, very helpful. A lot of work here in general for, you know, a department that is as short as we are in officers, There's a lot of work defending a department that, in my opinion, was far ahead of the many departments across the country before we started the process, before this, and now through this process, these two processes, because this is perf and, what do you call it, a lot of good improvements here.

[01:06:48] If I have any concerns is that we don't handcuff ourselves as we did with the trust policy. My other concern that really wasn't addressed here that I think we need to dig into is our ability to continue to hire the best and brightest officers.

[01:07:07] Recruiting is my top concern for our department because without the best officers, we're going to learn the lessons that D.C. did when they dropped standards and went down the wrong road. So it's recruiting and training. These improvements are all good as long as you're not handcuffing yourself.

[01:07:28] But recruiting and training is where I'd like to see the department focus. And I'll hold comments on SROs since it was brought up. I mean, our principals that I talked to, they would, we absolutely need our principals. Alexandria made the mistake and went down the wrong path and turned around and corrected themselves.

[01:07:45] But we need to make sure that we don't go down that path. Thanks, Supervisor. And as we're into October, during the month of September, we welcomed over 70 new FCPD recruits. That's a big chunk of our recruits in the class.

[01:08:03] And we've been successful hiring officers from other Virginia jurisdictions and out of state. And just our recruits that entered into the class that started on September 11th, just in terms of quality. And there's more than one aspect to quality, but education is one of them.

[01:08:21] 70% have a bachelor's degree or higher. We have a couple with master's. We have one Ph.D. I haven't looked into that yet, but we have one Ph.D. So we're really working hard to ensure that we keep that up. Okay. Thank you very much, Supervisor Herdy, Mr. Chairman.

[01:08:40] Mike, go ahead. Very quickly, because I do want to clarify something, because I've heard this reduced standards thing before, and I'm looking at these recruits. I'm seeing the tremendous progress that our recruiting division has done. to be applauded for the amount of officers they've recruited to this department.

[01:08:57] I've seen the bios of them. I've seen that they look more like our community. I see that they speak a lot of languages. I see that a lot more of them are women. Have we reduced our standards for recruitment? Absolutely not, Chairman. Actually, the class that just went in, a third of them speak a foreign language fluently.

[01:09:15] So we think we've upgraded. Thank you. Okay, thank you very much, Mr. Chairman. Supervisor Alcorn. Thank you, Mr. Chairman. So the 79-page document, its draft form, will that, do you think, be days before we'll see it, weeks, months?

[01:09:34] Our goal is within the next two to three weeks. I mean, it's really just getting through, finalizing it, making any additions or changes based off of this meeting. We'll get it to the county executive to review, and we'll have it out. So how about this? We'll go before the end of October. All right. That sounds great because, yeah, I know at the May 16th meeting of this committee, we were told it was coming, so this fall, and that's still fall.

[01:10:00] My other question is on the pointing of a firearm, I know there's a disagreement there, and Chief, you mentioned that we are still collecting the data on that. Are you confident we're getting the data on all instances of a firearm being pointed?

[01:10:20] So, Supervisor, I believe that as each year passes, since we enacted the policy that requires people to report, we're getting more and more compliance each year because it's becoming part of our DNA. I think the first year any new policy is out, you're likely to miss data and statistics.

[01:10:38] but the more it's ingrained, particularly in these young police officers who know nothing but what they walk into, I believe our data is accurate. It's reviewed by supervisors, commanders. We do capture it. There's a lot of healthy conversation about why it's necessary to capture the data. Well, I don't think there's any debate why it's necessary, and we are capturing it.

[01:11:04] Okay. Yeah, thank you, because, I mean, I guess I understand there are disagreements on this, But, you know, the term is not use of violence, it's use of force. And I would consider appointed firearm force, maybe not violence. But I do understand that's an area.

[01:11:22] But we definitely need to be making sure we're getting all the data. Yes, sir. Thank you. Thank you, Supervisor Elkhorn, Supervisor Stewart. Thank you, Mr. Chairman, and a couple of comments. And then a question. First off, I think the specialized units have made a huge difference in our community.

[01:11:39] I know they have made a difference in the Mount Vernon District area. We had some serious car thefts, and I think these folks really made a difference there, identifying mostly -- I know there are youth and many others, but in the shoplifting, we've had lots of issues with, and I think those have made some real differences.

[01:11:55] I strongly support those kind of targeted focuses, because I think they send a message, a larger message, not only to the community about the seriousness with which we view those incidents, but also the fact that, folks, if you do this here, you're going to get caught, and there's going to be consequences. So I strongly appreciate that.

[01:12:14] The Lorton Police Station, very excited, reopening in a month. I think the community is very excited. I appreciate your work to try to bridge the gap, if you will. What we recognize is insufficient officers to fully open it the way that we want it, but clearly the community will have a police station that they can go to on at least a 12-hour basis a day to get their questions answered and concerns met.

[01:12:38] and ultimately, Captain Marvillo, I think, is off to a really good start in terms of engaging the community. And then the quality of the facility there, I think, gets to the point that I know you were making in here, that that's how we attract the best and the brightest, is we have state-of-the-art facilities that people want to work in.

[01:12:57] As someone who's been there multiple times, it's a state-of-the-art facility, and it's a beautiful facility, and I'm confident that will help our officers become their best as a result. This specific question has to do with the CACs. I know I had a conversation, I think it was Captain Marvillo, about the CAC in Lorton, and he had mentioned that you were looking at how you might be utilizing the CACs differently.

[01:13:24] So I wasn't clear what all that meant, so I just really wanted to ask the question and get at least a high-level view of where the direction you're going with that. So, Supervisor, one of our biggest endeavors over the last couple of years was to improve the diversity of our CACs.

[01:13:41] The CACs, obviously, just like government and just like the police department, should reflect the community. So we've been doing a lot of work. In fact, for the first time ever, we have a CAC chair and vice chair who are African-American females in the Reston District.

[01:13:57] So we're proud of that. It takes intentional recruiting and conversations. So the content of CACs is perfectly fine, but we want to make it a little bit more inviting to members of the community who might be a little apprehensive about walking into a police station for a monthly meeting.

[01:14:16] So we think we're making strides. I think that's fair. I think that's fair, and I realize that's a deliberate, intentional, you know, really recruiting of folks so that they feel like this is part of the community as well as part of the police, how the police looks at issues within their community.

[01:14:34] So, in support of that, Shirley Ginwright's done a wonderful job in general around the county, but specifically now her work in the Lorton area is greatly valued. And Supervisor Shirley Ginwright has worked with Major Hines because we're, for the first time, going to have a singular set of CAC bylaws that govern all eight, soon to be nine, patrol districts.

[01:14:57] So we think having consistency there is a fair thing to do. Thank you. And that engagement with the Supervisor offices is an essential part of that, too. So it's truly a true community engagement and not more just a police-focused engagement.

[01:15:13] So I think that's what we're trying to work a little bit more on, particularly with Lorton and its startup. So thank you. Thank you, Supervisor Stork. Supervisor Walkinshaw. Thank you, Mr. Chairman. And, you know, first, I very much respect Chairman Lusk's prerogative to set out this timeline and this process.

[01:15:33] I think this would have been a more productive conversation if we had the report in advance. I recognize everyone's busy. For me, I would have been pleased to have it in advance and then respond to it today, but we're going to have another chance to do that, hopefully sooner rather than later.

[01:15:50] Just following up on the chairman's point on the use of force, and I have belabored my views on objective reasonableness, and I won't do that again, except just to point out that I think inherent in Graham v. Conner is an acceptance of proportionality.

[01:16:11] among the exhaustive, non-exhaustive list of factors that Graham v. Conner laid out was the severity of the alleged crime, whether the individual is resisting arrest and to what degree. So there's an inherent proportionality in the ruling. I think it would be very consistent for that to be reflected in anyone's use of force guidelines. One question on that, are there other police departments in the Commonwealth of Virginia that have general orders that go beyond the Graham v. Conner objective reasonableness standard.

[01:16:51] Supervisor Walkershaw, thank you for the question. So my research hasn't indicated that any agency in the Commonwealth has adopted a necessary and proportional standard specifically. It's one that we know our colleagues across the river in Maryland have, and we know it's been considered in some jurisdictions out west, but quite frankly, we haven't seen it in Virginia.

[01:17:12] Not necessary and proportional, but any other iterations of a standard that goes beyond Graham v. Conner in the Commonwealth of Virginia? None that I've seen, sir. No. Thank you. And then, and this is maybe goes back to the report, Mr. Schott also made some recommendations based on the matrix working group recommendations.

[01:17:34] Will responses to those recommendations be in your report also or handled separately? They'll be in our report. Okay. One of those was, I think, a one-word change to the use of force guidelines. Mr.

Schott, correct me if I'm wrong, on page 5 of your memo, to add minimal amount of force reasonably necessary to overcome an individual's level of resistance and to gain control.

[01:18:04] And I just, is that accurate, Mr. Schott, that that was a recommendation that you made? Richard Schott, independent police auditor. Actually, that was a recommendation from the UTSA report that was included in their report.

[01:18:22] It will be in there. Got it. Okay, so I'm looking at page five of your memo. I previously responded to a similar recommendation. Okay, so that's a UTSA recommendation, not yours. Yes, sir. So your recommendation is still no change on general orders related to use of force.

[01:18:41] Yes, and what I indicate in my explanation is I think officers should be trained to attempt a minimal amount of force, but I don't think it should be a written policy that you have to use a minimum amount of force because I'm not yet convinced that there is one minimum amount of force that can be attempted.

[01:19:06] Okay. I guess I would say I don't know that there is one objectively reasonable amount of force, but you and I have had a spirited conversation about that. Going on to foot pursuit, and Chairman asked the question I was going to ask. One thing I would note, I think Arlington County does have a foot pursuit policy that goes beyond just follow your training.

[01:19:27] I'll have to reread it because I think that's one of the ones that I reviewed. I'll take another look. Okay, great. And then finally on data, another one of Mr. Schott's recommendations maybe to consider for the data portal, collecting data and reporting data for issues like requests for consent to search and incidents in which force would have been justified by our existing policy but wasn't used, right? So if you're attempting to get at is there a disparity in

[01:20:02] how people are treated, a map showing where citations were issued doesn't necessarily get at that question. But if we can report on and analyze and have all the demographic data we need to see when an officer could have used force but successfully de-escalated, consistent with our training and policy, to determine whether everyone is being treated the same in that kind of situation, we can drill down on whether issues exist and how we can address them. Yeah, Supervisor, I don't disagree. The only thing, the caveat I would add to that is that's a fairly subjective assessment that we're talking about. So it's wholly dependent upon the officer. It's wholly

[01:20:40] dependent upon the person that they've encountered. When we talk about sequentially capturing use of force or the ability to use force or not use force, we follow a use of force continuum. We follow an escalation or de-escalation scale. So a person, for instance, who an officer has lawfully stated, you know, take your hands out of your pockets because they feel like they're presenting a threat to them. There are officers that could take action. There are officers that don't take action. So a lot of it is wholly subjective in terms of the encounter that the officer is having.

[01:21:12] So I don't disagree that I think that's a great benchmark to pursue. I just think that for purposes of data accuracy, it's a very difficult statistic to capture sequentially and accurately. Presumably requests for consent to search would be less difficult to capture.

[01:21:31] That's absolutely something we can capture, yes, sir. Okay. Well, I guess I'll look for a response to that, which is on page 11 and 12 of Mr. Schott's recommendations in the report, because that seems like an improvement to our data collection that could potentially be actionable if there's anything useful.

[01:21:52] Thank you. Supervisor, I'll just add one quick thing, and you've alluded to the data and our review of it and how it helps us get better. And Supervisor Alcorn, my colleagues behind me, reminded me that all of our holsters, when a police officer now takes his or her firearm out of his or her holster, the bodywork camera is automatically activated.

[01:22:13] So that's another, you know, layer that we can see, Officer X. You know, where's the reports associated with you drawing your weapon? So I just wanted to pass that along. It's a technology improvement. Okay, thank you, Supervisor Walkinshaw.

[01:22:29] Supervisor Gross. Thank you. I want to thank the chief and his staff and also, excuse me, Mr. Schott, for always providing very good information. And Richard, your comments are always very thorough and very intelligently written to the point where I sometimes have to read them out loud to myself to make sure that I got every point. But they're very, very good. We're well served by you.

[01:22:53] I'm especially pleased about the 30 by 30. Let's keep, let's not make that 30 by 35. Let's make sure we do that. I won't be here, but I'll be watching. You know, on the PERF recommendations, I want to make sure that we don't lose track of the fact that there were, what, almost 300 PERF recommendations. I think we've done about 288 of them or so. And there were some that we agreed at the board level not to pursue. And I want to make sure that there isn't a misunderstanding understanding that, oh, we're going to put all of them, we're going to continue to go to that 20%,

[01:23:32] because I think there were some that we categorically rejected, and it felt that it was in the best interest of the county, but we adopted so many of them. You know, there's not a right or wrong for a lot of this. There can be honest differences of opinion, but I think, Chief, as you said, we're constantly evolving. One of the things that evolves, I think, is records management. We've put new records management into departments for as long as I've

[01:24:06] been on this board. And I'm wondering, there's NIBRS and there's something called UJC or something like that, that gets in part of the crime reports that go to COG. So on this new records management, is that sort of internal for us or is that going to have an effect on the kinds of documentation you provide for the regional crime reports.

[01:24:31] And then I have one other quick question. Supervisor Gross, I think I can answer that. So our new records management system is really designed to enhance, obviously, our current record management system. And our Office of Data and Strategic Initiatives, ODACI, reports out on those, I think it's UCR offenses that you're referring to, FBR, like Group A offenses.

[01:24:50] So our data director puts those reports together, publishes those externally. Because we do want our community to know what's going on, of course, in their community. So we're still, you know, when we talk about evolution and evolving, our record management system is an enormous part of that.

[01:25:08] And, you know, as we work with our vendor to put together what we need to capture our data internally and produce it externally, those needs from the community change. And it's a good thing that they change because needs and priorities and obligations change through time.

[01:25:23] So as that goes live and we anticipate that going live within a year, we do need to make sure that it's capturing what our community needs to see and what we also need to report externally. So the region has adopted one kind of report now.

[01:25:38] Is that right? Because there was a period of time where some jurisdictions were reporting under UCR and some were under NIBRS, and I think NIBRS has gone away. And it's almost impossible to evaluate jurisdiction against jurisdiction when they're using two different reporting pieces and then trying to put it into one crime report.

[01:26:01] So I'm hoping that we've gotten that part taken care of for the region. I couldn't agree with you more. Yeah, and I think that we have. But, you know, again, we're going to continue to evaluate as this goes along and make sure that we're reporting out consistently with our peers. Lastly, the CACs are terrific.

[01:26:18] But a number of years ago, and I think we stopped doing this, but there were neighborhood colleges that we did and quite often included a robust section on public safety.

[01:26:34] And I can remember attending a couple of those just as an observer. And people were just, their eyes were so wide open because they learned so much about our public safety, especially about the police. I think we did away with those maybe because of budgetary issues, but I'd love to see us do something that, you know, had that community piece where people could actually register for not just one evening, but, you know, like eight different – it's a lot of effort, but I think it really paid off.

[01:27:07] So just throwing that out there is a possibility for the future. Yeah. Well, thank you, Supervisor. We have our Community Police Academy, but we realize that transportation and convenience are a challenge for people to get all the way over here to headquarters or even further out to the west to our academy. So if we need to take that show to the room.

[01:27:26] You need to take it out. That's what they did years ago. It was at, I think, St. Anthony's Church. And so you find a place and you can go around the community. They were really very, very good. Don't leave it in the room. Take it out. Yeah, no, thank you. We're having the same conversation about our self-defense classes that are wildly attended. But folks, you know, on the south side, you know, it's a challenge to get over here.

[01:27:53] I may be the only member of the board who actually did take a RAD class, but if you have an opportunity to take those classes, do so. Okay, thank you very much. Vice Chairman Gross, I want to hop over to Carla Bruce. I think she wanted to add some comment here. I just went on behalf of Deputy County Executive Chris Leonard. Sorry. I'm sorry neighborhood colleges still still still do exist and are coordinated through neighborhood and community services and so we'll make sure that they know that there is interest in ensuring that the police are involved.

[01:28:30] Okay. Thank you very much, Ms. Bruce. Supervisor of House, please. Yes, sir. Thank you, Mr. Chairman. Thank you for all the work you've done over the past couple of years. and all these issues, I think we're really making good progress.

[01:28:49] I want to thank you, Chief, especially when you first came on board. You were amazing in terms of getting out and meeting with the community and so on and so forth. That's something I would like to see maybe reactivated.

[01:29:09] I know that this, as an example, the new community partnership, the Roundtable. Will you be active in that process? Absolutely. And, you know, the conversations, the very encouraging, exciting conversations I've had with Carla Bruce about it, it's not just going to be the police department but all county agencies, and certainly the police will be a big player in it all.

[01:29:36] but you know i'm looking forward to going out to communities like like i have done and continue to do to explain new initiatives okay but as far as the roundtable is concerned you are is that a regular part of your job or is that you're going to show up when they ask you to is i'm going to do whatever i don't understand do whatever it tells me it came up in the context of you know police community outreach and i'm just wondering what what your role would be i i assume and anticipate my my role will be significant and i'll take direction from from carla what that looks like but but obviously um the folks who serve on that roundtable need to be able to they

[01:30:16] need to know their county leaders now the uh there's so much substance between you know we've heard your presentation today and we've gotten a report uh from the uh the working group uh i mean It's a master's degree in police work.

[01:30:35] It's just amazing how much stuff there is. So I'm going to focus a little bit on the process. I want to say, first of all, the work group that was put together by the board, I think in particular by the leadership of public safety, and the people who served were chosen for a purpose.

[01:30:58] I mean, clearly, it's not like a CAC. I mean, this was an effort to really look into a lot of significant issues. And I feel like the – well, first of all, let me ask – I think I know the answer, but before – have you met with a working group?

[01:31:22] Supervisor, since the working group submitted their report, our work inside the police department has been to evaluate and respond to the many recommendations that were made and our very first opportunity to present it back to to this committee and to the board of supervisors is today so whatever that bridge looks like between now and the the stand up of the community round table you can count count on me for being a part of it okay so from may 8th when the report was issued till today you've not met with them no and you know i feel

[01:31:59] like I've received a brief from the plaintiff and a brief from the defendant, and the defendant being the last to go. I'd rather not be the defendant. Seriously, I don't understand. That's not what we wanted, I don't think. I don't understand why the two groups and the police didn't get together and agree on what you could agree on and disagree on what you couldn't agree so that we have one place to look for all this.

[01:32:30] So I would just ask you, you're in draft form. You're in draft form. You haven't finalized it. I would ask you to meet with the matrix work group and see what you can resolve between the two of you so that we're not dealing with he said, she said.

[01:32:46] So, Supervisor, with all due respect, I'm unfamiliar with that. The work done by the people who gave up their time and their passion and their talents to put together the report to submit to this body, we, the police department, were then charged with responding to it.

[01:33:08] So our response to it is that document, that 79-page document that we're submitting to the Board of Supervisors. But we're certainly willing to remain, present tense, collaborative. We wanted to get that report back to the Board of Supervisors, and that's what we've done.

[01:33:26] So you will or will not meet with them? Supervisor, I'll meet with anybody, anytime, anywhere. But the report, again, is on its way to this board. Thank you. And, Supervisor Fowles, that was in my direction to the Chief to hold off presenting to the Matrix work group.

[01:33:44] I don't want him to take responsibility for that. I think that, you know, oftentimes we want to make sure that you all are the first to hear from us to be able to report back out. And so I showed her the responsibility for that. Okay, that's not – I think it's pretty – I hope it wasn't – I hope you didn't think I asked you to turn your report over to somebody before you turned it over.

[01:34:03] That's not what I asked. I asked to meet so you can come together and resolve issues so that we're not asked to decide who's right and who's wrong. Absolutely. And you're capable, I mean, anyway, it doesn't seem like a lot to ask, in my opinion. Thank you, Supervisor Faust.

[01:34:21] Supervisor Poucho. Okay, thank you so much. And I want to, first of all, focus, again, a lot is here, very much looking forward to the roundtable. I think the CACs were brought up, and I share the same concern, that intention is there, but the intentionality and the representation and the goals of those groups for each station, even, you know, maybe a lot of it might be an onus on us to be more intentional on bringing the communities to us not just through college that's I think one step they tend to have pretty

[01:34:58] low turnout but in that engagement process and so I know that a lot of work is done as you said behind the scenes but I think thinking with Carla and through the roundtable how to ensure we are engaging not just those who feel comfortable and say hey let me go into the police station but those who maybe have thoughts and want to give feedback but are not as comfortable so to me that's really important, that work going forward. So I'm very happy to hear that will be happening.

[01:35:26] I like that you mentioned the word evolve. In biology, people don't evolve, populations do. And so I appreciate that this is, we need to look at policies. We also need to look at the training and the next generations that are coming in through our academies. I think it wasn't mentioned that I believe our very first female deputy chief is here in the room and before being deputy chief I think did an excellent job of we're not using reform but improving upon our academy standards

[01:36:01] and outcomes and practices and so there's I think that long-term investment and work that needs to happen and I believe that's happening not fast enough for some of us but I think intentionally and in the right direction um again some of the other positive things i'm seeing the 15 20 percent in women i thought at first you said 30 percent 20 percent is getting there um but we'll get to the 30 percent uh the equity action teams and then a big thing that really stands out for me um and that we look at hhs is the diversion uh first and the diversion programs and so i don't know if that

[01:36:37] will come from you or if that's something we need to look at in HHS. But thinking about we've talked about funding our programs and our staff on the public safety side. But understanding where that comes in and where there's enough or maybe more needs to be done. The dockets are incredible. The specialty dockets, are there wait lists there? Is there more investment that's needed there? The response is important, but I think a little bit was brought up about at the call centers, what's being done there, and are there any improvement in practices that are being done or that still need to be done,

[01:37:16] even before you get out to meet with the caller. And then my other-- and for all the correspond-- then my other question for the specialty units, and I agree that they are-- we went through, when I was on school board, the changes to the SRO MOU, and there have been subsequent changes since then.

[01:37:40] The specialty units, especially at the malls, bring an important service. But I believe there have been improvements. And I don't know if those will be shared or continual improvements to the way they are recruited, managed, and the oversight happens.

[01:37:55] So I think in talking about evolving our department, I'm hoping the report will share what's worked and maybe what hasn't worked in those specialty units and how we continue to evolve those. And then my last one, we talk a lot about data.

[01:38:13] I have to say, I appreciate there's a lot of data being looked at and shared. And we talk a lot about visualization in our board. Might just be me, but I'm finding it a little bit tricky, difficult to, first of all, easily find where all the data stores.

[01:38:31] We have a few different websites up there. And there's the open.org website, plus the state website. And not always the prettiest. I think we have some excellent staff who can maybe help with that and to make sure that they are more user-friendly and we can share them with the community and be targeted in that data approach.

[01:38:51] So I don't know if that's making any sense. It does. But we eventually want our open data portal to be the place where you start. Okay. And it will link to all those different... Because right now, I just keep navigating back and forth and back and forth across all the websites. So I think that would be helpful. And then finally, I know you brought this up and I know there are challenges, but I want to keep pushing us to think about when we talk about race and demographics. It is a challenge, I hear that, but I feel that there has to be a better way. And I don't know if you've already looked at that, the fact that the entire white category includes the Latino Hispanic category,

[01:39:30] and that there are being able to be more granular to understand that data and how to look at it, maybe through social sciences. I don't know. So is that an area that's being looked at? Is there a better way to really hone in on understanding what's happening within those larger categories?

[01:39:48] Absolutely, there is. And the race and ethnicity conversation is something that's ongoing, capturing data based on a police officer's observation versus asking someone what race and gender there are. That in and of itself has a whole host of issues attached to it.

[01:40:04] So, you know, as you know, I don't know that any state, certainly not the Commonwealth and no one surrounding, has listed on driver's licenses race anymore. So, you know, how do you determine it? Do you rely on the 24-year-old police officer to make an accurate observation?

[01:40:23] You certainly don't want to ask the question. That could send the conversation in an entirely different direction. So we're constantly looking at better ways to collect accurate data. Yeah, so I guess my only request would be if that's not something already being done through public safety, if we could look at other maybe human services or social sciences ways or appropriate ways, or maybe that's a roundtable conversation, there has to be, you know, a way to better understand and capture that data, even if it's not 100% accurate in those conversations.

[01:40:56] And just if I could add here, that was the point we were making earlier about the roundtable, making sure that data and transparency get a little bit of an advance because it's so imperative as we're talking about what we're doing different now, record management, having the new data scientist, we need to be talking about these things now as opposed to waiting until next year.

[01:41:18] Absolutely. And I would just add to that, and I think the conversation that Mr. Faust mentioned, you know, I think it's important. These are very heated. These are very emotional. And those of us who sat on school boards know how emotional some of these conversations can get, and we want it to be productive, right? So absolutely, I think we need that report, and I hope the goal is that the roundtable and

other opportunities are there to look at those, the data and the reports in front of us, but I think they need mediation, and to have those

[01:41:52] difficult, challenging conversations. So I see Carla Bruce shaking her head, and if she does, I feel more confident, but to know that right now we're putting it out there and that next piece of work with our community groups, advocates, and even our residents who don't even know this is happening, I think need to be at that table and having the conversations with all the information in front of them. Thank you. Thank you. Okay. So with that, I'll say thank you everyone for being part of this discussion here on October 3rd. I think it was very

[01:42:28] comprehensive and I want to thank Chief Davis and his team for their presentation thank you for your stamina sir I also want to thank those who are here in the audience thank you all for taking time I know many of you were part of the CAC for the University of Texas San Antonio or you're here from the matrix working group we're here from the ad hoc committee that was done you know back in 2015 so I just want to acknowledge the folks I see here and thank you for being participants, and I assure everyone here that we will bring back the remaining items, so Chief Davis has made a commitment to do that. We will get checks

[01:43:08] by all the items that are done, and we'll identify those that are still remaining and what the next steps are. So with that, our meeting is adjourned.

