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[00:00:05] We will call the Safety and Security Committee meeting to order and would like to thank everyone for being able to participate in our discussion today, which is our opportunity for an annual update. First, we'll hear from our independent police auditor and we'll have an opportunity to ask him some questions.

[00:00:27] And then following that discussion, we will move to the police civilian review panel update for the year. annual review, and we'll have the same opportunity to ask questions and then close. So with that, let me go ahead and turn the meeting over to Richard Schott, who is our independent police auditor, and he can begin his presentation. Thank you. Good morning, Chairman Luskin and supervisors.

[00:00:59] Thank you once again for affording me the opportunity to present my office's annual report, this time covering activities from 2023. My name is Richard Schott, and I am the independent police auditor for the county. And before I launch right in, I know I'm followed by the past chair of the panel. I don't have many slides to present, but there is quite a bit of information to talk about on each slide. So with that being said, I will go ahead and launch right in. In 2023, I reviewed

[00:01:36] or monitored a total of 41 Fairfax County Police Department investigations. Ten of those reviews were automatic because of the nature of the incident being investigated by the department. Ten of

the 14 automatic reviews were officer-involved shootings, six of which occurred during 2022 and three additional occurred in 2023.

[00:02:06] I will address the status of these a little later in my presentation. One of the automatic reviews was the shooting of a domesticated animal. Two were in-custody deaths, but the deaths resulted from a medical emergency while in the custody of the police department and not caused by a use of force.

[00:02:31] And the last automatic review was a serious injury incident resulting from a canine bite. The other 27 reviews were based on complaints made about officers' use of force.

[00:02:47] Twenty of those went to the Fairfax County Police Department and seven were made directly to my office. The allegations in those complaint cases included being taken down, being assaulted, being forced to cuff, the brandishing of firearms, being grabbed or held, being struck, being dragged, having an electronic control weapon or a taser used on a person, and finally being pushed.

[00:03:22] Separate from the 41 that I reviewed last year, in April of last year, after noticing a steep decline in notifications being made from the police department to my office regarding use of force complaints, We requested the PD's Internal Affairs Bureau to conduct a query of all use of force incidents between 2017 and 2022, wherein a complaint had been made regarding the use of force.

[00:04:02] The department determined and shared with my office in May of 2023 that there were a total of 39 such matters that had not been previously provided to my office. And I refer to these, as you see on the slide, as retroactive cases that I feel obligated to now at least review.

[00:04:26] I should point out the vast majority of these otherwise overlooked complaint cases involved a complaint of injury and are a very minor use of force, and the allegation of force was secondary to, or at most, combined with a separate complaint that was made in conjunction with the incident.

[00:04:53] I'm currently working to address the 39 retroactive cases by prioritizing my review of them as follows. I first addressed complaints of firearms being pointed at people.

[00:05:11] And in fact, on March 29th of this year, I issued a summary memo documenting my review of the investigations into the seven incidents of pointed firearms. Next, I prioritized complaints alleging a quote-unquote non-serious injury having resulted from a use of force.

[00:05:34] There were also seven of these in the backlog, and just last week I published a summary memo documenting my review of those seven investigations. My next priority will be to review the remaining complaints of excessive force lodged with the FCPD in 2022, 2020, as there were no retroactive cases identified from 2021, 2019, and 2018.

[00:06:05] It's also worth pointing out that since discovering the backlog of complaint cases, the police department has improved its querying of use of force complaints and has taken additional steps to prevent cases from being overlooked in the future.

[00:06:24] IAB staff proactively sends my office monthly reports on all use of force complaints for us, my staff member and I, to track alongside our own active caseload.

[00:06:40] The improved awareness to these matters has been evident in the number of total new use of force complaints made to the FCPD that were subsequently referred to my office for review during 2023 and that have already been referred to my office in 2024.

[00:07:02] As I indicated earlier, I would now like to address recent officer-involved shooting reviews. Since my office became operational in 2017, there have been 15 Fairfax County Police Department officer-involved shootings. At the end of 2023, I was still monitoring and reviewing the investigations that were ongoing into six of these OISs. Three occurred in 2022 and three additional

[00:07:36] that I had not yet reviewed occurred in 2023. With my recently published report that I published on May the 1st and shared with the board members on the OIS of a person in crisis in a McLean home that occurred in July of 2022, I have now conducted and completed reviews of 10 of the 15 total officer-involved shootings since the inception of my office. And I plan to publish

[00:08:09] reports on the two other 2022 shootings very soon. With that said, I make note that I published reports into four officer-involved shootings during 2023 alone. In those four OIS investigation reviews that I published in 2023, I did not make any recommendations for policy changes.

[00:08:39] This is partly due, however, to the fact that the police department had already revised its policy on use of force twice since the two OIS incidents that occurred in 2020 that I reported out on in 2023 and once after the two OIS incidents that occurred in 2022.

[00:09:03] But again, the reports came out in 2023. I was afforded the opportunity to provide my input for inclusion in the revised policies when they were being crafted. Therefore, certain recommendations that I might have otherwise made in the 2023 reports had already been provided to the police department during the drafting phase of the revisions.

[00:09:30] In 2023, my office also published reports or memos on my reviews of police department investigations into five complaints of force made to the FCPD or to my office.

[00:09:48] In four of those five reviews, I found the FCPD investigation did meet the standards of being complete, thorough, accurate, objective, and impartial.

[00:10:02] In the other, I did not address whether the investigation was complete, thorough, accurate, objective, and impartial, but only because a very limited administrative investigation done by the police department, in which I concurred, determined that the officer was, quote-unquote, exonerated by technology based on viewing body-worn camera footage of the incident.

[00:10:31] To make a long story short, the body-worn camera footage revealed that no force had been used during the individual's arrest, as she said had been, but rather she was merely placed in handcuffs as a restraint after her arrest.

[00:10:48] I apologize for this very wordy slide here, and before I read what I have to share, I'd like to point out I provided recommendations to the board members based on two other groups having already provided recommendations to you regarding police department operational policy changes.

[00:11:16] Those two groups, to refresh your memory, were the Police Executive Research Forum, or PERF, and the Police Reform Matrix Working Group, abbreviated on the slide as RMWG. Those two groups made separate recommendations, but a couple of them were duplicative.

[00:11:39] And the color scheme on this slide, which I'll elaborate on in a minute, if I agreed with one or both of those groups' recommendations, it's reflected by green font. If I had a disagreement with their recommendation, it's reflected by the red font.

[00:11:59] So with that said, when I provided these recommendations, I was responding to five of the 15 recommendations that PERF had made. PERF made recommendations after assessing seven police department shootings that occurred in either 2021 or 2022. I agreed with PERF that the police department should add proportionality to the definitions in its use of force policy. And in fact, I also recommended adding a definition

[00:12:37] of necessary, but only if the FCPD ultimately adopts the necessary and proportional standard when analyzing a use of force. And with that being said, I disagreed with PERF that the department should update its use of force policy to indicate that force may not be used against a person unless that force is necessary and proportional. In effect, PERF's recommendation is to replace

[00:13:11] the objective reasonableness standard with a necessary and proportional standard. My disagreement with that suggestion is based on the inherent difficulty in defining when force is necessary without reverting to the objective reasonableness standard. I also disagreed with PERF's recommendation that the FCPD should update its policy on shooting into vehicles. The FCPD already

[00:13:45] prohibits shooting at, into, or from a moving vehicle unless there is a threat of serious injury or death to the officer or to another person, and I think that that caveat should remain as it's written.

[00:14:02] Herf's recommendation, to refresh your memory, talks about only using deadly force against an individual in a vehicle if an individual in the vehicle is posing a danger separate from using the vehicle itself. But we've seen more than enough situations where an individual has attempted to use the vehicle as the weapon itself, so I think the language is fine the way it is.

[00:14:33] I did not concur with PERF's recommendation that internal affairs detectives need to examine all related actions to determine whether personnel acted according to policy when investigating an OIS. Not that I disagree with the recommendation. I disagreed with the need for a change because I maintain that the IAB investigators are already doing that. So I don't think they need to be told to do something that I believe they're already doing. I did agree with PERF that the

[00:15:10] police department should adopt a foot pursuit policy. Even though the department issued a new regulation effective March 14, 2023, I do not believe that regulation satisfies the contemplated policy being recommended by PERF. Again, the second batch of recommendations made previously to the board came from the police reform matrix working group. That group had been tasked by this

[00:15:42] board to study the police reform matrix compiled during 2020 and to create a plan of actionable priorities for this board to consider. I served as a non-voting member of that working group from February through May of 2023. So the later input I provided to you reflected only my individual thoughts on the larger group's recommendations. And I guess it's worth pointing out that although I was a non-voting member of the group, I did not agree with everything that they did

[00:16:21] recommend. I agreed with them that conduct leading up to a use of force should be evaluated, and I maintain that it is being evaluated, but I disagreed with their related recommendation that the objective reasonableness standard should be replaced again with necessary and proportional to judge the actual use of force.

[00:16:47] In addition to my earlier comments about the difficulty in defining necessity, I would point out that the FCPD already recognizes that unnecessary force is excessive, that de-escalation efforts are always

expected, and that a use of force that is totally disproportionate to a person's resistance is inherently objectively unreasonable.

[00:17:15] Therefore, I think these acknowledgments in policy already fulfill the underlying objective of this working group's recommendation. I did agree with the working group that a foot pursuit policy should be implemented, and I've already noted that agreement in response to PERF's same recommendation.

[00:17:36] I disagreed with the working group's recommendation that the civilian review panel and the auditor should be granted investigative authority at least at this point in time and under the current oversight structure.

[00:17:56] Based in part on the high quality of FCPD investigations I have reviewed, I think that the police department should continue to conduct its own internal investigations. Having said that, I did provide my thoughts to the board members on how you may want to expand panel and auditor authority incrementally and over time.

[00:18:22] I did agree with the working group's recommendation for the police department to provide public access to demographic data through an online searchable database and annual reports for all key police actions, including pedestrian and traffic stops, frisks, searches, citations and warnings, arrests, and uses of force.

[00:18:50] Additionally, I further suggested that demographic data be collected and shared on any request for a consent to search and incidents in which force would have been justified by law and policy, but during which no or at least lesser force was in fact used.

[00:19:14] And finally, I agreed with the working group's recommendation to capture each act of civilian resistance and each officer's use of force sequentially for any incident during which force is used.

[00:19:30] And I will wrap up with a description of some other Office of Police Auditor activities throughout 2023. After discovering in May of 2023 the backlog of complaint cases, my office instituted a new procedure on case intake and on how to document my review of incidents. The documentation of my review is now accomplished by the preparation of either a detailed incident report or by virtue

[00:20:05] of a summary memo. My office also developed a new procedure on our method of monitoring and reviewing FCPD investigations. The procedure outlines how cases are received and the activities I go through when reviewing or monitoring investigations to reach my conclusions.

[00:20:29] This new procedure was presented to the civilian review panel members during their December meeting so that the panel may consider whether or not to pursue expanding its authority to also include monitoring certain police department investigations. Speaking of the Police Civilian Review Panel, my office supported the panel in numerous ways during 2023. During the first half of the year, we provided ongoing support to the newly created Office of the Police Civilian Review Panel.

[00:21:09] This included providing guidance and input on panel procedures and assisting with maintaining data on complaints and panel processes. My lone staff person and I led the development of a comprehensive training curriculum for the panel. In February 2023, she and I worked closely with the inaugural chair of the panel and presented a full day of training to the panel on its own

[00:21:40] history, bylaws, and procedures. In July 2023, when the newly created office's executive director position became vacant, my staff and I presumed, excuse me, resumed providing day-to-day

operational support to the panel alongside the OPCRP's management analyst because she was now the only person in that office trying to provide support to the panel.

[00:22:12] My staff member helped facilitate the panel in revising its procedures on handling review requests and in developing a new procedure on receiving public comment. Also, because of the absence of the panel's executive director, I initiated a process of personally reviewing FCPD investigative files and summarizing them to assist panel members in their subsequent reviews.

[00:22:42] Also in 2023, I was invited by Police Chief Kevin Davis to participate in meetings of the Department's Performance Review Board, which reviews all designated department critical incidents and other incidents as directed by Chief Davis to assess whether improvements can be made to departmental training, policy, or equipment. I participated in five PRB meetings in 2023,

[00:23:14] and I am grateful for the opportunity to continue my involvement on the PRB moving forward. Also included in my 2023 annual report was a summary of my office's other activities, including outreach and media events, policy development with the International Association of Chiefs of Police, and our continued role in a Virginia alliance of civilian oversight practitioners, where we meet with other oversight practitioners from the Commonwealth of Virginia to share and exchange

[00:23:52] information, effective practices, and resources with each other. Again, I thank you for your time, the opportunity to present, and I'm happy to answer any questions you may have. Okay, thank you very much, Mr. Schott, and I'll start by acknowledging, again, your thorough presentation. Also want to thank you for the work you do on your actual reports. They are extremely helpful to this supervisor in particular. Um, I find it, um, declarative in some respects in terms of what

[00:24:31] happened with particular incidents and then having your kind of conclusions. I just appreciate your fingerprint on, uh, the work that's been done, uh, here in the police department. Um, I also want to thank you for, um, updating us on those 29 retroactive cases. And I'm sure you did not expect that when you get that number, so appreciate that you've been able to get through a fair number of them, but also recognize that this is going to take a little bit more time. Do you have an idea

[00:25:04] in terms of how long before you might be able to settle through the remaining cases? Yes, as I indicated, I've included 14 of them in one of two different summary memos. My next plan of attack, if you will, is to go back and look in reverse chronological order, starting with 2022.

[00:25:32] The 2022 cases may actually probably will take a little longer than the earlier incidents, merely because 2022 there's going to be body-worn camera footage to review. The earlier cases from 18, 19, and 20, there won't be any body-worn camera footage. So I might hit a little bit of a speed bump there, but I am hopeful if things remain relatively stable between now and the end of the year to knock out quite a few more. If I could get through 30 of the 39 retroactive by the

[00:26:09] end of the year, I think I'll be back to where I'd like to be. Okay, that'll be great. And then I'll just make the point that I appreciate that you've been able to show with the body-worn camera, it gives you a clear depiction of what happened, and you can provide a pretty quick assessment based on that as well um let me move quickly then just on the policy recommendations um appreciate your participation on the matrix working group and i know you were able to also provide information to them as they were discussing some of these uh recommendations if we were to try to

[00:26:48] maybe prioritize some of these did you have any thoughts in terms of how that might be handled Well, I can't speak for them, but I think from your perspective on the ones that you're supporting.

[00:27:07] Well, the ones I support, I think the foot pursuit policy followed by the data dashboard. And I'm going to plead some ignorance here. I know the police department has already made strides with the data dashboard, and I have not kept up with it as much as I should.

[00:27:29] But to me, those are the two big ones, the foot pursuit policy as well as the data and the transparency to share the data. Okay, appreciate that. And then, again, your support of the civilian review panel, appreciate what you've done, obviously, with some of the day-to-day work, but then also helping with some of the training and other components.

[00:27:55] And then I'll say your point about investigatory authority is one that we discussed here, and I think it was a year ago, when we had this very same issue before the board. And I think I appreciate the comments that you made.

[00:28:10] I still feel pretty consistent in the point that I made last year, which is we're going to continue to work with the panel, and the panel is obviously in a little bit of a transition as it relates to having new leadership, But then also looking at its membership as well and figuring out some of the areas for their kind of focus and orientation.

[00:28:38] And we can see that they are developing some procedures and processes around that. I personally believe that this would make sense, obviously, over time. not necessarily today, but we are moving in a direction, I believe, that could enable the ability for the panel and even you, Mr. Schott, to have that capability as well.

[00:29:04] So I just wanted to reiterate some of the points you made. So with that, let me go ahead and turn it over to the chairman. But before, I apologize, before I do that, I just want to make one last point, chairman's prerogative, I guess, is i know that we've had um some questions about police reform here in fairfax county i want to be clear in saying that we are committed this member of the board who's the chair of this committee is committed to doing everything we can to address the outstanding issues that we have

[00:29:37] before us and i know that we have established with the chairman um his group that's going to be able to help us in addressing some of the concerns that are still outstanding. And I think that doesn't mean that we're not committed.

[00:29:55] It just means that we are working through a process where we can bring these items and have them discussed in that forum for them to come back to our committee. So I just want to make sure that, you know, we're making this point clear to everyone who's watching and is aware that we are committed to police reform here in Fairfax County.

[00:30:17] So with that, let me turn it over to the chairman. Thank you very much, and I appreciate the presentation, Mr. Schott. You always do a very good, concise job, and like Supervisor Luss mentioned, I think all of us enjoy reading your reports, and they are very thorough.

[00:30:35] I also appreciate the explanation that you gave for the ways in which we're going to prevent some of the reporting challenges between your office and the police department, And I think, you know, obviously we have confidence in those being corrected.

[00:30:52] But if there's other ways in which you think that can be improved moving forward, we want to hear that because we don't want to end up in a situation like this again where we have a backlog just basically because of a mere reporting tech, you know, technical challenge, so to speak.

[00:31:09] And I think from a public transparency standpoint, that is really important to make sure that we don't have an internal communication problem that would raise people's suspicion about transparency, because that's clearly not what happened here.

[00:31:27] But we've got to really protect against that and make sure that system is working and working well. And I know I would appreciate, you know, regular updates if we if we have any additional challenges in that area. I really appreciate what you've done with the policy recommendations here, the way you've coded them, because I think there's, you know, each of these issues, there's good debate to be had within the community about which of these we should do, which of these we shouldn't do, which ones the police are already working on.

[00:31:57] And I find your balanced approach to be helpful input and for us trying to decipher these and what you just said a moment ago about prioritization is literally what I was writing down was my prioritization of these as well.

[00:32:16] And I think probably we'll hear from the civilian review panel something very similar. And so we do need to continue to work through these. And lastly, since Supervisor Luss brought it up, the One Fairfax Roundtable that has been created, which is what he was referencing, I know I'm going to have an opportunity to spend some time with them tonight.

[00:32:36] I would encourage people to look at the membership of that group. Many of the board members, all of the board members, played a role in making an appointment to that group. And while they're going to be handling a whole network of equity issues throughout the county, I do think that their broad scope and broad membership and broad lived experiences and backgrounds of the individuals on that group will be very helpful in helping us through some of these issues that are outstanding, both within public safety,

[00:33:09] But frankly, outside of public safety, that are integral to public safety outcomes that might not be in the travel lane of an incident occurring, but are absolutely in the travel lane of an increased expectation that someone might have an interaction with law enforcement.

[00:33:27] And what are we doing on the prevention side to deal with that before it even occurs? And so I do think it is a really important group to be looking at some of these issues as we move forward. We always knew when we entered into this realm of police reform, accountability, transparency, civilian review, that each of these things was difficult, but that we would achieve, I don't know what the percentage is, but a very high percentage of those.

[00:33:55] And now we have just a few things left that we know are going to take more time. And your input in helping us with those is very helpful, as well as your well-done reporting that we get and the annual reports. So thank you for your always good, concise presentation.

[00:34:12] Thank you, Mr. Chairman. I'll start with my colleagues, Mr. Bierman, Supervisor Bierman. Thank you. Interesting to be on the other side of the table at one of these things. So I have a question about the objective reasonableness standard versus the necessary and proportional standard.

[00:34:32] And I take your explanation to be that you support adding proportionality to the definitions and the use of force policy, and that you actually feel like the way that force is defined within Fairfax County policy itself means that the objective reasonableness standard is to a degree already a necessary and proportional standard because something that is unnecessary is not objectively reasonable. But my question is, if PERF, which is a national

[00:35:06] organization, and is looking at these standards sort of around the country, is making the necessary and proportional recommendation, is that in part based on the fact that other police departments don't already have built in the checks that we have in our own view of objective reasonableness?

[00:35:26] And I also mention this because if, you know, objective reasonableness is a very, very legalistic term. I remember learning about it on the first week of law school, and one of my classmates, who's now a partner at a major law firm, had this little breakdown in torts class.

[00:35:43] What does reasonableness really mean anyway? But necessary and proportional sounds much more layperson term. So is there something unique about our policy that allows us to remain with objective reasonableness, or is it just your sort of preference for something that tracks more to the case law? I think it's the latter. I think it's ingrained in me from the U.S. Supreme Court decision, which obviously always refers back to objective reasonableness. And now I'll move ahead

[00:36:18] to some of your earlier comments, and I might just be naive on this. I know some departments have gone to a necessary and proportional language in their policies. The only policy that I'm aware of that provides a definition of necessary is the Department of Justice's deadly force policy, which says agents or officers of the DOJ may only use deadly force when necessary, comma,

[00:36:55] that is when the agent or officer has a reasonable belief that the subject of such force poses an imminent danger of death, a serious physical injury. And that's right back to objective reasonableness. So that's my either resistance or just confusion over trying to change it.

[00:37:18] Yeah. So your point is that necessary, according to DOJ, is objectively reasonable again. So there's no need to change the policy. Okay. And I could envision, sorry to interrupt you, Supervisor Gehrman. No, no, no. I could envision if a department were to try to define it, it would sound something like force is necessary only when a reasonable officer would feel that it were necessary. Well, that's the same thing in my mind. Okay. Understood. Thank you for that clarification. I agree with you. The demographic data being shared is a great idea and more data

[00:37:57] is better. So thank you for making that recommendation. My last question is about, can you comment on what your monitoring activities look like? In part, I ask this question because at times we've wondered whether the police civilian review panel should also have certain monitoring abilities. And can you also comment on whether, you know, what are some of the positive outcomes of you being involved a little bit earlier in the process? You mentioned one case where you didn't even have to write a report because you were involved earlier in the

[00:38:31] process and saw that the complaint made no sense to begin with, which sounded like a good efficiency. So can you comment on your monitoring activities? Yes, it's usually the monitoring takes the form of me getting a briefing, if you will, or a debrief shortly after an incident, typically an officer-involved

shooting incident or one that resulted in serious injury. I'm either communicating directly with the chief on some occasions, with the commander of the Internal

[00:39:09] Affairs Bureau, and or directly with the individual investigator who's investigating the incident. And it almost inevitably, the monitoring that is, almost inevitably includes watching the body-worn camera footage at a very early stage. And as Chairman Lusk alluded to, By watching body-worn camera, oftentimes you can get a pretty good feel for where the investigation needs to go.

[00:39:38] So it's just being clued in about the incident at an early stage and having access to whatever video footage may be available. Thank you. Thank you.

[00:39:54] Supervisor Walkinshaw. Thank you, Mr. Chairman. I've said it before, Mr. Schott, but I'm always impressed by your work and the clarity of your thought and recommendations. I want to just call one thing out because this came up at public comment in our last board meeting.

[00:40:15] But I think your report on the July 2022 officer-involved shooting in McLean is an incredible piece of work. Difficult to read because it was a terrible and tragic incident, but if anyone questions our commitment to transparency in this county around these issues, I encourage them to read that report because it doesn't shy away from the improvements that we need to continue to make to try to prevent incidents like that from happening while I think also treating everybody involved fairly.

[00:40:55] and one can read that report and the facts that are laid out there and draw their own conclusions about how they feel about that incident. But it was really well done. With respect to the recommendations, I agree with the chairman. I think the way you've laid out the recommendations is really useful. And the Supervisor Bierman's question, you can go back and watch some of our meetings on this topic from 2022 and 2023 and hear Mr. Schott and Chief Davis and I go around and around and around on how I feel about objective reasonableness. I think it's something

[00:41:29] only attorneys think is a good definition. Only attorneys could assert that whether something is reasonable or not can be determined objectively. It's inherently subjective, but that notwithstanding, I think I've come to the conclusion that it is so ingrained in case law and the structure around these questions that it's difficult for us to deviate from it.

[00:41:57] I do want to just make a point for Mr. Arnold and Chief Davis. On these policy recommendations, for those which there exists a consensus or we have PERF making a recommendation, the Matrix Working Group making a recommendation, In some cases, UTSA making a recommendation that you concur with, at times the civilian review panel concurs with.

[00:42:32] For me, for us not to be moving forward on any of those recommendations, there would have to be a very strong argument and explanation. And there may be some where the chief has a very strong argument as to why we're not moving forward or shouldn't move forward.

[00:42:49] But for me, as one board member, that's a very high bar. If the working group has made a recommendation and or PERF and you concur with it, my strong sense is we should be moving forward on that particular recommendation. Others where there's a difference of opinion, we should discuss and debate and learn more perhaps.

[00:43:11] But in terms of prioritization, where we have multiple entities who have looked at it, come to the same conclusion that we should move forward, my view is that we should be moving forward. Thank

you. Thank you, Supervisor Walkinshaw. Supervisor Palchek.

[00:43:27] Thank you, Mr. Chairman. Thank you, Mr. Schott, for your presentation. It was good to hear our lawyer on the board talk to that. I've been doing a bit of research to try to understand possibly. SCOTA has even looked at the Fourth Amendment on that one, so we're not ones to argue with that.

[00:43:44] Clearly, for this and for everything, training is critical, right? And making sure we all have the same understanding of what we mean by objective reasonableness, especially so the training academies and maybe updates.

[00:44:00] I know our new chief really is focused on that piece of it. So I guess my question is really that. Have you seen or have our staff seen how the objective reasonableness is really, and I see it in your reports, but is really trained for, have you seen that in practice?

[00:44:20] Yes, ma'am, I have. I've attended the Fourth Amendment presentation at the recruit training that they get at the academy, and maybe not surprisingly, it is provided by a member of county attorney Beth Teer's staff.

[00:44:39] So they are getting it from a legal person, which having come from a training background in my past, I think that's the appropriate instruction to get. But I can't echo what you said strongly enough that it all comes down to training, training, training, and continually updated training.

[00:45:03] And sorry, to go back to the body-worn cameras, have you seen that training augmented with the ability to look at what's happening in action through the body-worn camera footage? Yes, the department is utilizing real incidents that their own officers are engaged in.

[00:45:22] to provide training to either the recruits or at roll call training for onboard members of the department. So it's a very useful tool for many reasons to include the ability to use vignettes from a body-worn camera footage interaction for training.

[00:45:42] Sorry, one final question that came up, and I agree the policy recommendations are very thoughtful. I think you went through it pretty quickly. So if you don't mind repeating your, I believe it's in red, so disagreement and the context around the administrative investigations and where those should lie or shouldn't lie. Yeah, I don't disagree with what PERF was saying. In effect, they were saying when the department investigates a critical incident, because that's all PERF was

[00:46:15] examining officer-involved shootings. They said that other aspects of policy should be included in that investigation. I agree with that, but on the same hand, I think they're already doing that.

[00:46:31] A good example is the report I recently issued on the McLean shooting where the conclusion was the force was objectively reasonable, but there were two other separate policy violations.

[00:46:47] I think that's exactly what PERF was trying to get to. And I've seen that on several occasions, not just that most recent officer-involved shooting. Thank you. Okay. Any other questions from members of the board?

[00:47:05] Okay. This will conclude our discussion. So thank you again, Mr. Schott, for a very good presentation. What I'd like to do now is move to our second presentation that will be conducted by Todd Cranford who is the chair of the civilian review panel for 23 to 24. So Todd you're up. Good morning yes still morning and thank you for having us you know in the entertainment industry they often say

[00:47:42] you don't want to follow animals and children I no longer want to follow Richard Schott. Todd Cranford, the former Chair 2324 Chair of the Police Civilian Review Panel, Chairman Lust, Vice Chair Walkinshaw, Chairman McKay, and Board of Supervisor members, it's a pleasure to be here.

[00:48:04] Thank you for the opportunity to share a little bit about what the dedicated volunteers of the Police Civilian Review Panel, PCRP, continue to do. The past year, like many, like every, has presented a number of challenges and opportunities for growth, and we continue to welcome the support of the Board of Supervisors.

[00:48:29] And as I've heard during the discussion over the past several minutes, we too at the panel believe that it is an iterative process. We are not where we were seven years ago. We are not where we want to be five years from now.

[00:48:45] So we appreciate the work that's gone into and the consideration that goes into helping us move along. I'm not going to dwell on the first slide. You know who we are and why we exist. But I do think it's just important to include this to reaffirm what our goals are, what our purpose is, and to let you know that we remain on the case.

[00:49:13] I'll give you now a broad overview of where we've been over the last year. As I mentioned at the outset, I am the immediate past chair. And because of the timing, our year is actually March to March.

[00:49:31] And so that's why it's not a calendar year. So that's why I'm here reporting to you now. We had two panel members who resigned, and I want to publicly thank Mr. William Ware and Vice Chair of Ms. Janelle Wolfe for all of the hard work and dedication that they put into the panel.

[00:49:53] And again, as you know, we have two vacancies. So I am looking forward to the Board of Supervisors quickly and expeditiously appointing two new members to the panel so that we can fulfill our mandate at full strength.

[00:50:08] And as you know, one of the positions that's open is the position that requires some prior police or law enforcement experience. So I know you are working on that, and so I thank you for that. It was also noted earlier that we did have a gap in our staff leadership.

[00:50:29] As you know, our executive director resigned last summer, and there was a period of time when we were, I won't say rudderless, because when you've got the Office of the Independent Police Auditor and his staff, you are never completely rudderless.

[00:50:45] So, again, thanking Mr. Schott and Rochelle Ramirez for their continued support of our efforts. One thing I want to note before I turn to our new liaison is something that Mr. Schott mentioned that he took up and he had discussed with the panel was his initial review and summary of a file, not to give us necessarily his perspective or his point of view on whether or not there were legitimate claims in the case, but literally to lay out for panel members before we go into review the highlights of the file and to be able to point us in the right direction

[00:51:24] with a bibliography or a table of contents of sorts so that we weren't going in to the files blindly. So I want to thank him for that, And that is something that Mr. Craig Miles, our new liaison, is also doing.

[00:51:40] And while Mr. Miles has been on with us for a short period of time, I think we, I don't say think, we are thrilled to have him. We are looking forward to continued progress, working through and working with the panel and the public.

[00:51:58] And I know that he is anxious to get back out in the community and start reengaging because that's one of the things that we think is most important, to continue to get the word out that we exist, the PCRP, and then to encourage people to attend our public meetings.

[00:52:16] And I'm going to get into, in a moment, the fact that, well, no, let me get into it now. we've spent a lot of time this year just trying to refine our processes so that we can be as effective and as efficient and continue to be as transparent as we can. And so we've kind of restructured our subcommittee review process, and we've put out more information for the public to understand where their input can come in. Our bylaws have always called for the opportunity for public comment, but we decided it was a little vague and nebulous. So we've tried to

[00:52:52] really refine and define specific opportunities for public comment and so we're looking forward to over the next year having more opportunities for public comment and then returning to holding some meetings in public places around the county because we also continue to feel that it's important that we be where the people are and so we're going to get back to that we've got some training that we will do. Again, that also came up during Mr. Schott's presentation.

[00:53:25] The panel does feel that we want to understand better how things operate in the real world. And so the types of training, and there's a list on one of the slides, and I'm not going to go through all of the training that we're looking at, but it is important for us, for the members to be able to get some training directly with FCPD, and then just some more common sense training about how we should be able to observe and interpret events and activities as we hear from our citizens. We've updated the matrix. You know, we continue to update

[00:54:01] our recommendations matrix. We continue to think, I think we continue to have a very good working relationship with FCPD. Oh, I'm sorry. Thank you. I'm just rolling along. I'm not moving my slides along. We undertook a review of police policies and procedures to more efficiently and effectively meet our mandate and be as transparent as we could. We'll also take a similar review of our bylaws. Again, the bylaws were put in place eight years ago or so when we were stood up.

[00:54:36] Now that we've got seven plus years, six plus years of experience of how the bylaws operate in the real world we will be bringing recommendations to the Board of Supervisors for where we think changes can and should be made then moving the annual report by the numbers I'm happy to once I'm done entertain any questions but I want to just point out one thing in particular under the number of review

[00:55:10] requests filed with the panel looking at the number in 2022 is seems low relative to previous years, only three, and moving to 10. I believe that was only three because a lot of the backup during COVID that occurred in 20 and 21, and a number of those cases that were actually being reviewed by IAB in 2022, they didn't conclude them. They didn't finish them at that time, and so they got pushed into 2023. And then another, I think, significant opportunity for

[00:55:47] improvement that we've made working with FCPD under the bylaws, they've had 60 days to complete their investigations. We've learned, again, by experience, 60 days for most cases is just not reasonable, and it takes a little longer to complete those investigations. So rather than have numbers being backed up and now having Mr. Miles have to bug them for what's the status, or status, where are you? We've moved that out to 90 days with FCPD agreement, and obviously still

[00:56:19] in the very early stages of that, but we'll see how that change affects and impacts the rapidity of cases that come to us. And with that, I will conclude in, oh, one final comment before I move on. I also meant to say earlier, I also now realize that the police civilian review panel can be a good stepping stone to serving on the Board of Supervisors with our former colleague, Mr. Jimmy Behrman, now on the Board of Supervisors and one of our former chairs

[00:56:55] who did a great job when he was in the seat. So I just wanted to say that. It should be a word of caution. And I'm sorry, what was that, neighbor? Thank you.

[00:57:11] Thank you very much, Mr. Cranford, And thank you for your leadership here as well. I just wanted to maybe lift up a couple of things that you said. One is really support this codification of some of the expectations, including the expansion of training for panel members and the work that you're doing to kind of better educate it about what the role responsibilities are.

[00:57:36] I think that's critical. And, again, I appreciate what you said on outreach. I think that is critical. The role that you have, the mission that you have is making sure people in the community know who you are and what you do and how to reach out to you. And then I'll make the point on the bylaws.

[00:57:54] We'll be happy to work with you once you've made those revisions and to get them changed here at the board. So recognizing that there are things that are different today than they were, you know, eight years ago. And then I'll say, you know, what can we do to support you?

[00:58:16] I think in terms of making sure that we're doing all that we can to ensure your success and the mission that you have here in the coming year, what do you need from us? Maybe I'm going to ask you that question.

[00:58:32] Well, at this stage, we seem like a broken record, but having improved access to the files, We, you know, FCPD and Chief Davis have worked with us to try to improve the situation.

[00:58:50] For example, earlier on, everyone had to come to headquarters in order to review the file. He has accommodated us by now making the files available in the districts if panel members live closer to one district than they may to headquarters.

[00:59:07] And that has been helpful. Okay. There is no doubt. But every time we go in to review a file, we realize that it's just not enough right now, and we need to have electronic access. And when I say need to have, it's because panel members are volunteers, as you know, and some of these files are very long.

[00:59:27] And it is difficult sometimes to be able to carve enough, and I think all of the current panel members are still working, so none of us are retired. And so it is very difficult to take three, sometimes four. Now, every panel member will review a file at a different pace.

[00:59:44] But typically, it's going to be minimally two hours, minimally on a short file, and as many as five or six. And you don't want to have to come back to headquarters or to the district to review a file. We are then required to take just copious notes on everything.

[01:00:02] And then, quite frankly, the days when we have our subcommittee meetings and our full panel meetings, it would be useful to be able to have the file to be able to refer to as opposed to the recollection of each panel member and their notes. We understand that there are legitimate concerns that the chief may have about privacy and chains of custody, but we also believe that there's technology that can minimize any unwarranted or unnecessary or accidental misuse of the materials.

[01:00:36] And we hope that what we'd like to do is really come together with our council, with FCPD council and leadership, and probably the county attorney, if that's appropriate, to see if there are really ways for us to be able to find more common ground to be able to have easier access to these files.

[01:00:57] That remains at the top of our list. Okay, well, that's pretty clear. So I'll say this, maybe, Tom, we kind of have a little marching order here in terms of a follow-up. So maybe this is an item that we can work on, obviously separate from the committee, but at least to see what we can do with Chief Davis to determine a protocol for making those files more accessible.

[01:01:20] Thank you. Yes, sir. You're very welcome. Mr. Chairman. Thank you very much. And on that note, I would just say that making the files available at the district stations was something that, you know, we put in place to help.

[01:01:36] I think we all saw it as a stepping stone, not the ultimate solution. So I appreciate what you're saying. And I do think that technology has changed since we first visited this. And I think getting an update from the chief on his concerns that could be very legitimate. I think there also are ways to deal with those.

[01:01:53] The last thing we want to do is have panelists not feel prepared to do the hard work that they do as volunteers simply because they don't have access to a document and therefore are not compelled to act or don't feel like they can.

[01:02:08] And that would be, you know, obviously a bad outcome for all of us. So we'll continue to work with you and the chief on that. Just a question that I have on the implicit bias training that was mentioned this summer. can you remind us again who's conducting that um i'll turn to our new liaison craig miles that'll be conducted by the county by county uh trainers okay and that involves various different agencies or i'm just trying to make sure i understand that it's obviously a a very touchy charged issue yes

[01:02:46] touchy issue with some flare uh attached to it but i think that multiple perspectives uh on this are really important, and that's why I'm wanting to make sure I understand. TOM ARNOLD: Yep, sure. Tom Arnold, Deputy County Executive. And Craig, correct me if I say anything wrong here, but my understanding is DHR will conduct implicit bias training through the normal means that they would.

[01:03:03] But then there's also been conversation with the police department who hired a vendor from California that conducted implicit bias training for the entire department. That material has been made available that they could leverage to also use that with the panel, but conduct it outside of the police department. So they would get two layers of it, and of course, the second one being more law enforcement specific.

[01:03:23] Okay. I think that's important that, you know, this is comprehensive and absolutely appreciate that that is being done. Mr. Chairman, if I could interrupt you just one second. I don't know if Carla Bruce wanted to add anything else here. Yes, specifically, it's our alternative dispute resolution worked with our office to design an implicit bias structural racism module that's available to all county employees, but we'll be extending it to the police-civilian review panel in conjunction, as Tom said, with the one that's specific to police.

[01:03:59] Okay. And I appreciate that. I wanted that out in this meeting so that people watching understand because to just do the training is one thing. If the content of the training is not of high quality and comprehensive, then it's not a good use of people's time as well or could lead to false determinations.

[01:04:19] And so I just wanted to make sure that that was out. And Mr. Chairman, before you move on, also along those lines, I also want you to know that during our meetings, we have discussed, we don't necessarily want to take the same training, exact training that FCPD takes, but we want to be aware of the training that they've had because, again, it matters so that when we are reviewing files, we do have context and a better sense of what the police department is expecting of themselves.

[01:04:49] so that we know what to expect from them. An absolute excellent point because that needs to be happening and people need to understand that. Taking the same training as the police department alone, the end is not the same. Your responsibilities are different, and so I think that is a really, really important point.

[01:05:08] On the potential panelists, I can tell you that we are in process of vetting two individuals now to fill those positions. We're hoping that we might be able to bring at least one of them forward at the next board meeting and so those conversations are ongoing and obviously really important that we do the proper vetting make sure that we get the right people who are qualified and have the right backgrounds meet some of the demographic diversity of the county properly is is a tall order and so we're working on filling those two vacancies and then lastly I just appreciate what you mentioned about Mr. Miles being on on our team now having had an opportunity

[01:05:46] to meet with him, as I know my colleagues have, I have very high hopes for the support the civilian review panel will get, but also his background and expertise in helping you navigate through those. Really glad Mr. Miles is on the team and a part of the work that we're doing ongoing.

[01:06:04] So thank you for the annual report, and as always, Mr. Cranford, thank you for your leadership. I know we have a new chair moving forward, but absolutely happy with leadership you brought to the group and the continued work. So thank you. Okay, thank you, Mr. Sherman. I'll now move to Supervisor Jimenez.

[01:06:24] Thank you, Mr. Chairman, and thank you all for all the extremely value information and the hard work that you're all doing. And thank you, Mr. Miles, for coming by the office. It was great to sit down and chat with you and excited to have you on board. One quick question. We talk a lot about the training and how absolutely vital and important the training is and how useful it can be, especially if it's the right training by the right folks. My question to you is, is this training mandated, or is it voluntary? It is strongly encouraged, because again, as a

[01:06:59] volunteer panel, it is difficult to mandate, and it will also depend on timing. Again, we took an internal survey just to see when members felt most comfortable and able to do the training, i.e. During one of our regularly scheduled monthly meetings on Saturday mornings Saturday afternoons To try to get a sense of when people the most most people can come So I think well, I shouldn't say I think I know that current chair Belkowitz and I

[01:07:32] Want everyone to participate in this training, but to your question. No, we can't force them to we do highly encourage them to and that's the best that we can do. And if we can do it at a convenient, the most convenient times with interesting training, I think members will come out because they do want to improve. They do want the training. But again, as I pointed out earlier, all of us are still working right now, you know, have families. And so it is difficult to do it. I understand. And I think that one thing you may want to think about is as new members come in, you actually talk to them and say,

[01:08:11] We have training. We highly encourage you. Would you be interested? Would you be willing to? So that could be helpful because I think this training is critical, but I definitely understand that you can't. Were you on that phone call we had last week? No, and I say that because that is part of the internal work that we've been doing very recently to reestablish what the expectations are for members when they come along.

[01:08:36] So not only for the current members, but as the Board of Supervisors is vetting new members, they can have very clear understanding of you are expected to try your best to attend these trainings. Because I don't think the Board of Supervisors can require it any more than we can.

[01:08:55] But as long as people do know what the expectations going in are, if they don't meet them, then whatever consequences come from that, come from that. I appreciate that. Thank you. Thank you. Thank you, Supervisor Jimenez. Supervisor Bierman. So I didn't want to break protocol, but when you were talking about access to files, I just wanted to scream out cosign because that was exactly my experience.

[01:09:20] While I liked reviewing the files at the McLean District Station and getting to know one of those interview rooms, not to share tidbits, but it really is just like on Law & Order with that mirror. But yes, access to those files would be very, very helpful in electronic form.

[01:09:40] I also wanted to just add a plug, and you can go back to the four-year review I wrote several years ago. If you're looking at bylaws changes, you know, I do tend to talk sometimes in legalese, but I couldn't agree with Supervisor Walkinshaw more about sometimes there are things that only a lawyer could understand.

[01:10:03] So when you're looking at bylaws changes and trying to think about what plain English aspects of the bylaws, I sometimes found that objective, impartial, complete, accurate, objective, impartial and thorough was not actually was a little bit more legalese than just the question of, hey, did did they get it right or did they get it wrong?

[01:10:25] So I want to to sort of make a plug there that if you're coming back to us and thinking about that and thinking about what bylaws changes would look like, obviously, please work with the county attorney and others. But anything to make the process even more accessible to people who are coming before the panel is useful.

[01:10:47] And I just can't say enough how happy I am that you're here, Craig, and the opportunities that we'll have moving forward. I think focusing on expectations of panel members is an excellent first start, trying to implement training.

[01:11:05] I know from having joined the panel in 2019, I went through two fairly extensive trainings. Then COVID hit. Things fell by the wayside. It's good to see that we're coming back to that point. And I just appreciate all the work that you're doing and appreciate you for stepping up, Sherry.

[01:11:25] We were all former colleagues, so I'm very happy to see you in these roles. Thank you. Thank you. Supervisor Palaszczuk. Thank you, Mr. Chairman. I was looking because I knew I saw Ms. Belkowitz earlier. she is. She's behind us, still here. So huge congratulations to you, Todd. You chaired through a very difficult time, a transition. I agree absolutely that we have the right person as a new liaison. I've gotten to walk and talk with Miles, both here and at our office with our team, and he hit the ground running, has so much experience. And I do think, as we talk about

[01:12:01] iterative, that there's so much work ahead. And to Ms. Belkowitz, who has so much experience with our special needs community. And moving forward, I do think very helpful. One question is, we've brought up the idea of lawyers. I believe you're a lawyer, Ms. Belkowitz, Mr. Bierman. And so as we look for the two new candidates, I believe that's not a requirement from what we've heard.

[01:12:25] But some questions may be around both, especially for people who are working or have families or both. Sort of time commitment and what skills and qualities you're looking for. I don't know if you want to share a little bit today or follow up with us. I can do both. I can quickly say clearly having a JD is not a prerequisite to serving on this panel. Right. But having a heart for service, having an understanding of how the county government operates, and then you can come and get the training on how FCPD operates.

[01:12:58] And I think just being open-minded and being a critical thinker. I mean, in short, I leave it to the Board of Supervisors to determine what other demographics need to be hit. I know there needs to be some, and there should be, some consideration to geographic demographics around the county.

[01:13:18] Don't want everyone from one portion of the county, gender, race, ethnicity. I'm sure all of those are factors, none, I think, one more important than the other, but we want, and I think each panel member would say, working with smart people who are dedicated, you can disagree without being disagreeable, and I know that's where we are, and it's a joy to be able to work with the members of the panel with whom I've worked since I started.

[01:13:50] Excellent. That's very helpful. I think that you can't teach that piece of it. Soft skills are important because I don't think any of us, with the exception of that person who does have to have law enforcement background, very few of us come with that background, except what we see on TV.

[01:14:11] and if we've got family or friends who are in law enforcement and we get that perspective. But I think those are the critical elements of what makes for a good panel member. I love that. I just want to say, as someone whose child once saved my dog, Todd, thank you.

[01:14:28] You are always welcome to follow Mr. Shaw or any of them. You can hold your own, so I appreciate it. Okay, are there any other questions? Okay, that looks like the conclusion. So I'll thank Mr. Cranford for his participation here and his engagement.

[01:14:48] We look forward to continuing to work with you. I know you won't be chairman, but I know you're going to be around. So we'll look forward to that going forward. And Mr. Miles is saying thank you for stepping in and doing what you've done already. You've made some changes that we can see demonstrably.

[01:15:04] So keep up the good work. Thank you very much. And with that, we'll conclude today's meeting. Thank you very much.



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