

ORDINANCE NO. ____

AN ORDINANCE to amend and reordain Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS) of Title 2 (GENERAL GOVERNMENT) and Article AA (INDEPENDENT COMMUNITY POLICING REVIEW BOARD) and to amend Article A (GENERAL PROVISIONS) of Chapter 1 (POLICE PROTECTION) of Title 4 (PUBLIC SAFETY) of Sections 4-1-5 (INDEPENDENT POLICING AUDITOR/INVESTIGATOR) and 4-1-6 (INDEPENDENT POLICING AUDITOR/INVESTIGATOR DUTIES AND RESPONSIBILITIES) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 4 of Title 2 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended as follows:

Sec. 2-4-220 Independent community policing review board.

There is hereby established a commission to be known as the independent community policing review board ("board"). The operation of the board established pursuant to this article shall be consistent with Virginia law and regulations.

(Ord. No. 5337, 4/17/21, Sec. 1)

Sec. 2-4-221 Board purpose and scope.

- (a) *Purpose:* The purpose of the board is to enhance policing legitimacy and to increase and maintain trust between and among the police department, city council, city manager and the public. The board shall: provide timely, fair and objective review, ~~investigation~~ and evaluation of policing policies, practices, procedures, and outcomes in Alexandria; provide meaningful assessments and corrective recommendations intended to remedy discriminatory practices, including racial and social inequities, that it may find; ensure the protection of all communities through recommended actions and reform, including in the criminal justice system; and recommend strategies for effectively implementing these reforms in our community.
- (b) *Scope:* The board shall have the authority to ~~investigate the matters as assigned in section 2-4-227,~~ review investigations completed by the Alexandria Police Department (APD) and the Alexandria Independent Policing Auditor (AIPA) for certain matters as assigned in section 2-4-227, request investigations pursuant to identified patterns and practices of potential discrimination, bias, unequal treatment or other abuses of police authority as identified in section 2-4-227(c)(3), and evaluate policing practices, policies, procedures, and outcomes in Alexandria, issue findings to the public, and provide actionable recommendations to the city council, the city manager, AIPA, the school board, the school superintendent, APD and other public agencies regarding appropriate

1 discipline, policing practices, policies and procedures in Alexandria. ~~The board is hereby~~
 2 ~~authorized to perform the following duties:~~

3
 4 (c) *Procedural memorandum of understanding:* In order to carry out its scope and authorized
 5 functions and to define in more detail the process and terms articulated in its scope,
 6 the board shall enter into a memorandum of understanding ("MOU") with the APD. The
 7 MOU shall be signed by the police chief and the city manager. The MOU shall define the
 8 terms of the relationships and mutual obligations between the board and APD.
 9 ~~Additionally, the board is authorized to enter into an MOU with any other agency in~~
 10 ~~support of board investigatory authority.~~ The board is authorized to negotiate the
 11 provisions of ~~these~~ this MOUs, assisted by the city council
 12 appointed ~~independent policing auditor/investigator,~~ AIPA, and the city attorney's office. If
 13 a provision of ~~these~~ this MOUs ~~conflicts~~ with a provision of this enabling ordinance, the
 14 provision of the enabling ordinance shall govern.

15
 16 (d) *Access to APD records:* The board and the ~~independent policing auditor/investigator~~ AIPA,
 17 shall be provided full access to all APD reports, files and records related to
 18 the board's ~~investigation or~~ review of complaints filed with the ~~board~~ AIPA or with APD.
 19 All records, documents and materials in the possession of APD or the ~~c~~City that are
 20 determined by the board to be necessary and requested by the board to carry out its scope
 21 and authorized functions shall be provided in unredacted form. ~~If such documents contain~~
 22 ~~confidential information such as personally identifiable information, the information may~~
 23 ~~be reviewed in a closed session of the board in order to maintain the confidentiality.~~ If the
 24 documents requested are part of a criminal investigative file for an active criminal
 25 investigation which could be compromised by the revelation of the process, evidence,
 26 methods, scope, or other factors in such investigation, APD shall provide such documents
 27 to the ~~independent policing auditor~~ AIPA who shall not provide it to the board or share
 28 with the public until such time as the investigation is completed or a determination is made
 29 that the criminal investigation will no longer be compromised.

30
 31 (e) *Budget:* ~~In order to carry out its duties the board and office of~~
 32 ~~the independent policing auditor/investigator shall be provided an annual budget subject to~~
 33 ~~appropriation by city council, and shall expend the funds provided consistent with:~~

- 34 (1) ~~the purposes and scope of the board and of the office of the independent~~
 35 ~~policing auditor/investigator;~~
 36 (2) ~~the budget and appropriation approved by city council; and~~
 37 (3) ~~city procurement and expenditure regulations and practices.~~

38
 39 (f) ~~(e)~~ *Board reports:* The board shall produce public reports regarding the work of the board
 40 and disseminate such reports in hardcopy and online, including, but not limited to:

- 41
 42 (1) a written report to the city council by September 1 of each fiscal year of its activities
 43 for the prior fiscal year under the provisions of this chapter along with any comments
 44 and recommendations as it may choose to make; and
 45
 46 (2) a written report ~~after each investigation~~ of each review conducted pursuant to section 2-

1 4-227(d c) which shall not include any personally identifiable information, or criminal
 2 or juvenile information prohibited from being disclosed by Virginia State Code or
 3 federal law. ~~The reports of each investigation shall be provided to the public with all~~
 4 ~~narratives, findings, recommendations and any disciplinary actions.~~ A summary of
 5 such reviews and inquiries shall be provided to city council quarterly and published on
 6 the Board's website.

- 7
 8 (f) *Other duties:* Undertake any other duties as reasonably necessary for the board to
 9 effectuate its purpose as defined in this article.

10 (Ord. No. 5337, 4/17/21, Sec. 1)

11 **Sec. 2-4-222 Board member requirements and term of office.**

- 12
 13 (a) The board shall be composed of seven voting members appointed by the city council,
 14 which shall endeavor to create a fair, objective, independent, diverse, and representative
 15 body which shall reflect the demographic diversity of the city.
 16
 17 (b) The seven voting members of the board shall be residents of the City of Alexandria and
 18 shall demonstrate fairness, integrity and objectivity and will be chosen on the basis of
 19 expertise and personal experience relevant to the performance of the duties of
 20 the board. City council shall appoint voting members who are representatives of the
 21 following groups (though one member may be representative of more than one group):
 22
 23 (1) at least three members who come from historically, racially or socially
 24 marginalized communities that have commonly experienced
 25 disparate policing in Alexandria or the Commonwealth of Virginia; and
 26
 27 (2) at least one member who represents an organization, office, or agency that seeks
 28 racial or social justice or that otherwise advocates on behalf of historically,
 29 racially or socially marginalized communities, particularly communities that
 30 may have experienced disparate policing;
 31
 32 (c) Ex-officio, non-voting members:
 33
 34 (1) at least one nonvoting, ex-officio member who shall have past experience in law
 35 enforcement, but shall not be a current employee of ~~or an immediate family~~
 36 ~~member of a current employee~~ of a law enforcement agency ~~and shall be at least~~
 37 ~~three years honorably removed from service.~~
 38
 39 (d) No voting or nonvoting member shall be a current or former city employee, a current or
 40 former city elected official, a current candidate for public office, a current employee of
 41 a law enforcement agency, or an immediate family member ~~of any of the preceding of~~
 42 any former or current city employee, former city elected official, or a current candidate
 43 for public office. When used in this section, the definition of "former" means less than
 44 three years separated from service.

1 (e) Except as to the inaugural board, members shall be appointed for terms of three years
 2 each. Board members' terms shall be staggered. To that end, the city council shall
 3 appoint three voting members of the inaugural board to 18-month terms and four voting
 4 members to three-year terms. A board member may be appointed to no more than two
 5 consecutive three-year terms.

6
 7 (f) Ethics: in addition to the requirements of section 2-4-7(g) of this code, board members
 8 shall have the following requirements:

9
 10 (1) Board members shall sign and comply with the terms of a Standards of
 11 Professional Conduct Statement which shall address the board members' ethical
 12 and professional obligations.

13
 14 (2) In addition to the reasons set out in section 2-4-7(i) of this code, board members
 15 may be removed by the city council for the following reasons:

- 16
 17 i. Failure to keep confidential privileged information to which they receive
 18 access as members of the board, including that information described in
 19 section 2-4-223(b) of this code;
 20 ii. Failure to complete initial and annual training requirements; and
 21 iii. Failure to sign or comply with the terms of the Standard of Professional
 22 Conduct Statement.

23
 24
 25 (Ord. No. 5337, 4/17/21, Sec. 1)

26
 27 **Sec. 2-4-223 Conflicts of interest and confidentiality.**

28 (a) The board and each member shall comply with the Virginia State and Local
 29 Government Conflict of Interests Act under Virginia Code sections 2.2-3100 et seq.

30 (b) Except as included in the board reports defined in section 2-4-221(f) and to the extent
 31 allowed under the Virginia Freedom of Information Act, each member shall maintain
 32 the confidentiality of all confidential or privileged information, including but not
 33 limited to:

34
 35 (1) disciplinary actions, memos, ~~and~~ reports, and any investigatory documents
 36 or information, including audio recordings or videotapes and footage, that
 37 the member receives during service on the board.

38
 39 (2) statements of a police officer, or APD employee, who was required by APD
 40 to give a statement; and

41
 42 (3) criminal investigative files.
 43

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

(c) All original records provided to the board by APD shall remain official APD records.

(Ord. No. 5337, 4/17/21, Sec. 1)

Sec. 2-4-224 Quorum, voting, and meetings.

(a) The board shall comply with the procedures for board and commissions in article A of title 2, chapter 4, unless expressly amended in this article.

(b) The board, assisted by the ~~independent policing auditor/investigator AIPA~~, is authorized to develop and implement its own bylaws, administrative systems, and operating policies and procedures, consistent with existing federal and state law, state regulation, and this enabling article. Such bylaws shall be subject to public notice and public hearing before approval by city council and adoption by the board, ~~and would~~ The bylaws become effective upon adoption by city council.

(c) The board shall meet as often as necessary to conduct its business, but no less frequently than four times per calendar year.

(d) Meetings of the board shall comply in all respects with the meeting regulations of the Virginia Freedom of Information Act including being open to the public except under circumstances when the topic is authorized by the law to be discussed in closed session.

(e) Quorum:

(1) To take any action authorized by section 2-4-227 of this code, a quorum of at least five out of seven voting members must be present.

(2) To take any action except those referred to in subsection (1), above, a quorum of voting members must be present.

(f) The board shall keep minutes of its board meetings, and those minutes shall include:

(1) the date, time, and location of each meeting;

(2) the members present and absent;

(3) a summary of the discussion on matters proposed, deliberated, or decided; and

(4) a record of any votes taken.

(g) The board meeting minutes are public records and subject to inspection pursuant to the Virginia Freedom of Information Act.

1 (Ord. No. 5337, 4/17/21, Sec. 1)

2 **Sec. 2-4-225 Support of board.**

3 (a) Board staff.

4 (1) The city council shall appoint an ~~independent policing auditor/investigator~~
5 AIPA pursuant to sections 4-1-5 and 4-1-6 of this code who shall staff
6 the board and coordinate the board's administrative functions.
7

8 ~~(2) The independent policing auditor/investigator shall hire such investigators as~~
9 ~~shall be necessary to conduct the investigations assigned to the board. Such~~
10 ~~investigators may be consultants or full-time employees depending on the~~
11 ~~demand for the investigations.~~

12 (2) The city attorney, or its designee, shall serve as legal advisor to the board. As to
13 a particular matter, and in the event ~~the board~~ or the city attorney determines
14 that there is a conflict of interest that precludes effective representation by the
15 city attorney's office, the board shall retain outside counsel to advise
16 the board from a list of attorneys recommended by the city attorney. If the
17 board disagrees with the city attorney's conflict-of-interest determination, it
18 may request the determination from the Commonwealth's Attorney for the City
19 of Alexandria, which will be controlling.

20 (b) Other support from the city.

21
22 (1) A website shall be established for the board hosted on the city's website.
23 The board shall control what is posted on the board's website to the extent it
24 complies with all applicable federal, state and local laws.
25

26 (2) All public meetings of the Board ~~shall~~ may be videotaped or audiotaped
27 when there is an inability for video recording. All video or audio recordings
28 of the board's public meetings shall be ~~and~~ made available to the public on
29 the city's website.
30

31 (3) The city shall not interfere unreasonably with the board's decisions, assisted
32 by the ~~independent policing auditor/investigator~~ AIPA, to post materials to or
33 remove materials from the board's website.
34

35 (4) Board members shall be provided with a city email address to be used
36 exclusively for board-related matters.
37

38 (5) The city, including all city departments, boards, commissions, and staff shall
39 make good faith effort to cooperate with and assist the board, and shall
40 comply with all reasonable board requests or expeditiously provide a reason
41 for rejection.

(Ord. No. 5337, 4/17/21, Sec. 1)

Sec. 2-4-226 Board training.

~~At least once every year, and within six months of appointment to the board, board members shall participate in the following training:~~

(a) ~~Initial training: Before members may vote in board meetings, they shall complete the following training: at least eight hours of training, presented by the national association for criminal oversight of law enforcement or a comparable professional organization.~~

~~(1) at least 4-hours of ride-alongs with APD patrol operations;~~

~~(2) an eight-hour training, approved by the AIPA and presented by the National Association for Civilian Oversight of Law Enforcement (NACOLE) or a comparable experienced professional; and~~

~~(3) legal and ethical obligations of members of the board, to include relevant privacy rules and matters related to police operations.~~

(b) Training that an appointee to the board undertakes within the three months prior to his/her swearing in as a board member counts towards that appointee’s initial training requirements. Training by the applicable city staff addressing the following matters:

~~(1) legal and ethical obligations of members of a public board;~~

~~(2) APD policies and training, including but not limited to defensive tactical training, crisis intervention training, and de-escalation training;~~

~~(3) relevant privacy rules and city policies and procedures involving liability, employee discipline, and other matters related to police operations; and~~

~~(4) APD and city administrative systems, processes, structures and operations.~~

(c) Annual training: Once every year, board members shall participate in training consisting of: at least three ride along sessions with APD patrol operations per calendar year.

(1) At least 8-hours of ride-alongs with APD patrol operations;

- (2) A four-hour civilian oversight of law enforcement training presented by NACOLE or a comparable experienced professional;
- (3) Legal and ethical obligations of members of a public board; and
- (4) APD policies, systems, processes, structure and operations, including but not limited to simulated training exercises, defensive tactical training, crisis intervention training, and de-escalation training and city Administrative Regulations related to liability, employee discipline and matters related to police operations.

(d) The city and the ~~independent policing auditor/investigator AIPA~~, shall provide board members with additional training, which shall include but not limited to relevant training by subject matter experts on mental health, trauma-informed policing, civil rights and constitutional law, race and systemic racism, community organizing and outreach, mediation, investigation, and policing practices, policies, and administration.

(Ord. No. 5337, 4/17/21, Sec. 1)

Sec. 2-4-227 Board duties.

(a) *Board readiness resolution.*

(1) ~~Within 30 days after the initial board members are appointed by the city council, the board shall meet to establish its practices and procedures.~~ When the board has established its procedures for how to take in ~~complaints~~ inquiries (defined in subsection (b)(1), below), how ~~investigations~~ reviews will be conducted, and the memorandum of understanding required pursuant to section 2-4-221(c) has been executed by all parties, ~~and the board is sufficiently staffed~~, it shall pass a resolution indicating its readiness to take on the responsibilities designated to it in this article. No current processes for ~~complaint~~ an inquiry intake or ~~investigations~~ reviews of complaints shall be transferred to the board unless and until such resolution is adopted by the board.

(b) ~~Complaint~~ Inquiry intake.

(1) The board will develop and administer a process for receiving community ~~complaints~~ questions, concerns, or comments regarding conduct of APD law enforcement officers and civilian employees (“inquiries”) and referring ~~complaints~~ these inquiries to APD or the ~~independent policing auditor/investigator AIPA~~ depending on the nature of the complaint, for investigation. ~~This process shall be separate and distinct from any existing procedures by which the APD receives community complaints as specified under Virginia Code section 9.1-600;~~ Once in receipt of an inquiry, the APD and the AIPA shall determine whether to process the inquiry as a complaint that

1 shall be investigated by the APD and monitored by the AIPA or investigated by the
 2 AIPA.

- 3
- 4 ~~(2) Complaints filed with the board may be submitted using a form provided by~~
 5 ~~the board or may be submitted orally by a complainant. Complaints filed orally shall~~
 6 ~~capture the same information included in the complaint form developed by the board.~~
 7 Inquiries submitted to the board and formal complaints submitted to the AIPA may be
 8 submitted using a form provided by the board or may be submitted orally.
 9
- 10 (3) Information about the process for filing an inquiry complaint with the board,
 11 ~~complaint forms~~ the process for filing formal complaints with the AIPA, and general
 12 information about the board and its purpose and scope shall be made available online
 13 and at the office of ~~the independent policing auditor/investigator~~ AIPA, APD, the
 14 office of human rights, as well as other locations deemed effective for making such
 15 forms and information widely available. This information shall be made readily
 16 available in English, Spanish, Amharic and Arabic and in any additional language
 17 requested.
 18
- 19 ~~(4) Information about the process for filing a complaint with the board, complaint forms,~~
 20 ~~and general information about the board and its purpose and scope shall be made~~
 21 ~~readily available in English, Spanish, Amharic and Arabic and in any additional~~
 22 ~~language as requested by an individual looking to submit a complaint to the board.~~
 23
- 24 (4) ~~Complaints forms shall request information~~ made directly to the AIPA shall contain
 25 information regarding the incident including, but not limited to, the following:
 26
- 27 A. Name, address and contact information for the person filing the complaint;
 - 28
 - 29 B. a statement describing the reasons for the complaint;
 - 30
 - 31 C. the specific police behavior of concern;
 - 32
 - 33 D. a description of the incident in which the behavior occurred; and
 - 34
 - 35 E. information regarding witnesses to or persons with knowledge of the
 - 36 incident known to the complainant, including but not limited to names,
 - 37 addresses, and phone numbers, if known at the time the complaint is filed.
 - 38
- 39 Failure to provide all information on the form by the complainant shall not render the
 40 complaint unreviewable.
 41
- 42 (5) This process shall be separate and distinct from any existing procedures by which the
 43 APD receives community complaints as specified under Virginia Code section 9.1-
 44 600;

45

46 (c) *Board review of APD and AIPA investigations.*

- 1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
- (1) ~~Except for matters identified in subsection (d) herein,~~ APD shall continue to investigate all complaints submitted to APD or to the ~~board~~ AIPA. The AIPA shall monitor APD investigations throughout the process, providing ongoing assurance that internal investigations by law enforcement are thorough, fair and unbiased and that police practices are transparent. APD shall complete its investigation of the complaint and provide ~~an~~ its full investigation report to the ~~board~~ AIPA within 60 days. The ~~board~~ Chief of Police shall ~~may~~ extend the 60-day period ~~upon request of the police chief~~ to protect an ongoing criminal investigation, or for other good cause, with notice to the complainant and ~~city council~~ board and AIPA.
- (2) ~~The board may review all investigations conducted by APD office of external affairs and professional responsibility (OEAPR) and AIPA regarding conduct of APD law enforcement officers and civilian employees, whether the initiating complaint is received by the APD or the board AIPA, to ensure their thoroughness, completeness, accuracy, objectivity, impartiality and the sufficiency of any discipline resulting from such investigations. The board may consider reducing the review to only a selected number of investigations or investigations of a certain nature based on criteria to be articulated by the board and set forth in writing.~~
- (3) APD and AIPA investigations of the following types of wrongdoing shall be reviewed by the board at its discretion. Those investigations the board decides to review shall be monitored by the AIPA throughout the investigative process, providing ongoing assurance that internal investigations by law enforcement are thorough, fair and unbiased and that police practices are transparent:
- A. Violations that fall under APD Directives Chapter 2 (Ethics and Conduct), Chapter 7 (Weapons) and Chapter 10.32 (Use of Force), as may be amended from time to time; and
 - B. “Severe misconduct” defined as dereliction of duty or unlawful or improper behavior which shall include the offenses listed in AR 6-20, Group III offenses, as the same may be amended from time to time:
 - 1. Sexual conduct, even consensual conduct, on the job; and
 - 2. Verbal or other conduct regarding an individual or group that maligns or shows hostility for the individual or group because of race, color, religion, gender, national origin, age disability, sexual orientation, or gender identity and expression.
- (4) At the conclusion and receipt of the investigation, the AIPA shall within 30 days forward a report with a summary of the investigation completed by APD to the board. All personal identifiable information shall be removed or redacted from the report. Within 30 days of receiving the AIPA review, the board shall hold at least one public hearing on the investigation. The review of the investigation can be extended for up to 60 days for good cause with notice to the complainant and APD. At the conclusion

1 ~~of the~~ After completing an investigation review including a public hearing,
 2 the board may ~~reach~~ take one of the following ~~findings~~ actions:

- 3
 4 A. concur with all or some of the findings and determinations detailed in the
 5 investigation report;
 6
 7 B. advise city council, the city manager, ~~and~~ the APD, and the AIPA that the
 8 findings are not supported by the information reasonably available to the
 9 APD and recommend further review, ~~and consideration,~~ and/or action by
 10 the police chief; or
 11
 12 C. advise city council, the city manager, ~~and~~ the APD, and the AIPA that, in
 13 the board's judgment, the investigation is incomplete and recommend
 14 additional investigation, by majority vote and final approval by city
 15 council; or
 16
 17 D. Recommend referral of the complaint to the commonwealth's attorney for
 18 the City of Alexandria.

- 19
 20 (5) If the APD declines to implement the recommendation by the board, the chief of
 21 police or designee, shall, within 30 days of the board's recommendation, create a
 22 written record, which shall be made available to city council, the city manager, the
 23 board, the AIPA and the public, of its rational for declining to implement the
 24 recommendation of the board.
 25
 26 (6) The board may also request investigations pursuant to identified patterns and
 27 practices of potential discrimination, bias, unequal treatment or other abuses of police
 28 authority as identified in section 2-4-227(c)3. Should the investigative request be
 29 refused, the board may take action with a vote requesting city council compel an
 30 investigation be completed by the AIPA with a majority vote of the board members.
 31
 32 A. The Board Chair shall submit a petition in writing signed by the voting
 33 members requesting an investigation with the clerk of the city council, on
 34 or before 14 days after the decision of the board. Upon receipt of such
 35 notice, the clerk of the city council shall schedule a public hearing before
 36 the city council at a time not less than 30 days after the receipt of the clerk
 37 of such notice.
 38
 39 1. Public hearings held on appeals to city council require that the city
 40 provide newspaper notice of the hearing.
 41
 42 2. The city council may affirm, reverse or modify the decision of the
 43 board in whole or in part. The decision of council shall be final.
 44
 45 (7) If, after making a good faith effort to obtain, voluntarily, the production of books,
 46 papers, and other evidence necessary to perform its duties, the AIPA is unable to

1 obtain production, the AIPA may apply to the Alexandria Circuit Court for a
 2 subpoena duces tecum compelling the production of such books, papers, and other
 3 evidence, and the court may, upon good cause shown, cause the subpoena to be
 4 issued.
 5

6 *(c) Board investigation of complaints and incidents.*
 7

8 (1) Investigations of the following incidents, whether they come in as a complaint or not,
 9 shall be conducted by the independent policing auditor/investigator on behalf of
 10 the board:
 11

12 A. "Incidents resulting in death" including any incident which results in death
 13 of any person involved in the incident.
 14

15 B. "Use of force" incidents, defined as the application of force sufficient to (i)
 16 create a reasonable risk of death, (ii) cause serious and protracted
 17 disfigurement, or (iii) result in impairment of the function of any bodily
 18 organ or limb. It includes incidents in which a police officer deploys a
 19 striking implement, Taser or similar device, oleoresin capsicum (pepper)
 20 spray or other chemical irritant, less lethal weapon or a firearm or is
 21 applied using hands or any other part of the body.
 22

23 C. "Severe misconduct" defined as dereliction of duty or unlawful or
 24 improper behavior which shall include the following offenses listed in AR
 25 6-20, as the same may be amended from time to time:
 26

27 1. Willfully or negligently damaging, defacing or destroying city records,
 28 city property, tools or equipment, or the property of another employee.
 29

30 2. Theft, misappropriation or unauthorized removal of city records, or of
 31 public property or of property belonging to another city employee.
 32

33 3. Violating safety rules or the Virginia Traffic Code where such a
 34 violation poses a threat to life.
 35

36 4. Threatening or intimidating subordinates, fellow employees, supervisors
 37 or members of the public.
 38

39 5. Willful or serious neglect in the performance of assigned duties or in the
 40 care, use, or custody of any city property.
 41

42 6. Criminal or other misconduct occurring on or off the job which is related
 43 to job performance or is of such a nature that to continue the employee
 44 in the assigned position or in any city employment capacity would
 45 constitute negligence in regard to the city's duties to the public or to
 46 other city employees.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

~~7. In any matter within the jurisdiction of any officer, department or agency of the city: (a) the knowing falsification, concealment or cover-up of a material fact, and/or (b) the knowing making of any false, fictitious or fraudulent statement or representation, and/or (c) the making or using of any writing or document knowing the same to contain a false, fictitious or fraudulent statement or entry.~~

~~8. Sexual conduct, even consensual conduct, on the job.~~

~~9. Verbal or other conduct regarding an individual or group that maligns or shows hostility for the individual or group because of race, color, religion, gender, national origin, age, disability, sexual orientation, or gender identity and expression.~~

~~(2) If, after making a good faith effort to obtain, voluntarily, the attendance of witnesses and the production of books, papers, and other evidence necessary to perform its duties, the board is unable to obtain such attendance or production, the board by majority vote may direct the independent policing auditor/investigator, on behalf of the board, to apply to the Alexandria Circuit Court for a subpoena compelling the attendance of such witness or the production of such books, papers, and other evidence, and the court may, upon good cause shown, cause the subpoena to be issued.~~

~~(3) At the conclusion of the investigation, the independent policing auditor/investigator shall forward the file with a report of investigation to the board. The board shall hold at least one public hearing on the investigation. At the conclusion of the public hearing, the board may take one of the following actions:~~

~~A. Dismiss the complaint if, based on the file and report of investigation, it determines that the complaint lacks merit or the incident was justified;~~

~~B. Refer the complaint to the commonwealth's attorney for the City of Alexandria; and~~

~~C. Recommend disciplinary action to be taken by the chief of police.~~

~~(4) If the APD declines to implement the discipline recommended by the board, the chief of police shall, within 30 days of the board's recommendation, create a written record, which shall be made available to city council, the city manager, and the public, of its rationale for declining to implement the recommendation of the board.~~

(d) Board policy recommendations and duties.

(1) The board shall have the following duties regarding review of police policy and procedure:

- 1 A. review and evaluate existing ~~and proposed~~ APD administrative directives,
2 including all rules, policies, and procedures which direct the operation of
3 the APD ~~and its employees including the implementation of such~~
4 ~~directives, rules, policies and procedures;~~
5
 - 6 B. review and evaluate reports issued and data collected by the APD related
7 to policing practices, policies, procedures, and outcomes;
8
 - 9 C. receive, review and evaluate the annual budget and expenditures of the
10 APD and make budgetary recommendations;
11
 - 12 D. advise city council on the hiring and annual evaluation of the
13 AIPA ~~independent policing auditor/investigator;~~
14
 - 15 E. recommend legislation, policy changes and other actions related
16 to review and evaluation conducted by the board to the city council, city
17 manager, APD, school board, school superintendent, and other public
18 agencies;
19
 - 20 F. conduct community outreach in the city related to the review and reform
21 of policing practices, policies and procedures in Alexandria and the work
22 of the board;
23
 - 24 G. undertake any other duties as reasonably necessary for the board to
25 effectuate its lawful purpose to effectively review the policing agencies as
26 authorized by the city; and
27
 - 28 H. review and evaluate periodic reports from the police chief regarding
29 implementation of recommendations made by the board.
30
- 31 (2) The board may recommend policies or procedures to city council, the city manager
32 and the APD concerning police practices, policies and procedures. The board shall
33 present in writing its findings, and recommendations with supporting rationale to city
34 council, the city manager and the APD within 30 days from the date
35 the board adopted the recommendations.
36
- 37 A. The board's recommendations shall be included in any public reports
38 issued by the board, including hardcopy and online.
39
 - 40 B. If the APD declines to implement any changes recommended by the board,
41 the chief of police shall, within 30 days of the board's recommendation,
42 create a written record, which shall be made available to city council, the
43 city manager, and the public, of its rationale for declining to implement
44 the recommendation of the board.
45

1 **Sec. 2-4-229 Exclusions.**

2
3 (a) The board shall not consider claims or issues involving the following:

4
5 (1) Complaints involving any incident that occurred more than two years before the
6 filing of the complaint with the ~~community policing review board~~ AIPA or the
7 APD;

8
9 (2) Any financial management, or procurement decisions made by the APD, or any
10 individual hiring, assignment and promotional decisions made by the APD;

11
12 (3) If any agency having responsibility for criminal investigations or prosecutions has
13 initiated a criminal investigation or proceeding against any police officer or
14 officers who are the subject(s) of an incident or complaint that the board has
15 responsibility for reviewing pursuant to this article, the board shall defer its
16 preliminary inquiry and review until said criminal proceedings have been
17 withdrawn or concluded; and

18
19 (4) Any other claim outside the scope of the board's authority as determined by this
20 article or applicable state law.

21
22 (Ord. No. 5337, 4/17/21, Sec. 1)

23
24 ~~**Sec. 2-4-230 Review of community policing review ordinance.**~~

25
26 ~~The city manager in consultation with the board, independent policing auditor/investigator,~~
27 ~~community stakeholders, APD and APD employees shall have conducted and submitted to~~
28 ~~city council by April 1, 2023 a review of this article, its effectiveness, including~~
29 ~~recommendations for improvements.~~

30
31 ~~(Ord. No. 5337, 4/17/21, Sec. 1)~~

32
33 Section 2. That Article A of Chapter 1 of Title 4 of the Code of Alexandria, Virginia, 1981,
34 as amended, be, and the same hereby is, amended, and adding the text shown in underline
35 as follows:

36
37 **Sec. 4-1-5 Independent policing auditor.**

38
39 City council shall appoint an independent policing auditor/~~investigator~~ AIPA with
40 the terms and conditions of such appointment set forth in an employment agreement. The
41 ~~independent policing auditor/investigator~~ AIPA shall serve at the pleasure of city council.
42 The ~~independent policing auditor/investigator~~ AIPA shall have professional experience in the
43 investigation of allegations of police misconduct and be provided an annual budget and shall
44 ~~be provided~~ secured office space by the city, but such office space shall not be housed in any
45 Alexandria Police Department facility. The AIPA shall act independently consistent with its
46 duties.

1
2 (Ord. No. 5337, 4/17/21, Sec. 2)

3
4 **Sec. 4-1-6 - Independent policing auditor/~~investigator~~ duties and responsibilities.**

5
6 The independent policing auditor/~~investigator~~ shall:

7
8 (a) Budget: In order to carry out its duties, the AIPA shall be provided a sufficient annual
9 budget subject to appropriation by city council, and shall expend th funds provided
10 consistent with:

11
12 1. The purposes and scope of the Independent Community Policing Review Board
13 (ICPRB) and AIPA;

14
15 2. the budget and appropriation approved by city council; and

16
17 3. city procurement and expenditure regulations and practices.

18
19 (b) provide the necessary administrative and policy support for the community policing
20 review board, as well as assist the board with achieving its purpose and in carrying out its
21 scope;
22

23
24 (c) Be responsible for the day-to-day operations of the AIPA;

25
26 (d) have authority to hire and supervise and make employment decisions regarding the
27 independent policing auditor's /~~investigator's~~ staff within existing city human resources
28 systems and city administrative regulations;

29
30 (e) be responsible for the independent review of Alexandria Police Department current or
31 proposed policing practices, rules, policies, procedures, directives, training, compliance,
32 risk management tools and outcomes and present findings of such reviews and any
33 resulting recommendations to the board;

34
35 (f) perform a quality assurance function with the goal of identifying systematic changes that
36 will improve police services to the community;

37
38 (g) create and manage a community complaint and case tracking system;

39
40 (h) participate in, organize, and/or attend community engagement activities in coordination
41 with the ICPRB;

42
43 (i) periodically issue reports and recommendation to the city manager, city council, police
44 department, and board;

45
46 1. Reports related to investigations completed by AIPA shall contain information related

- 1 to *Garrity v. New Jersey* protections afforded police officers. Information in the
 2 report shall identify if the officer voluntarily appeared before the AIPA or the officer
 3 was directed to appear by the Chief of Police.
 4
- 5 (j) conduct community engagement activities to enhance fair and equitable policing in the
 6 City of Alexandria;
 7
- 8 (k) receive both complaints of law enforcement misconduct and law enforcement
 9 commendations regarding the Alexandria Police Department
 10
- 11 (l) monitor and/or conduct investigations of incidents regarding the matters assigned by the
 12 section 2-4-227 of the City Code to the board for investigation;
 13
- 14 (m) review completed investigations by the APD. Alexandria Police Department Office of
 15 External Affairs and Professional Responsibility.
 16
- 17 (n) review of any disciplinary actions taken that may arise as a result of investigations
 18 conducted by the APD; ~~and~~
 19
- 20 (o) Review the strategic planning/long range policy, practices and training of APD and
 21 police related activities impacting the community;
 22
- 23 (p) have full access to unredacted ~~Alexandria Police Department~~ APD reports, files and
 24 records, including disciplinary records, related to ~~completed reviews of~~ complaints filed
 25 with the board, the AIPA or with the department, as well as related to ~~and completed~~
 26 ~~reviews of~~ uses of force reviews by the department.
 27
- 28 ~~1. except as included in the board reports defined in section 2-4-221(f),~~
 29 ~~maintain the confidentiality of such disciplinary records and criminal~~
 30 ~~investigative files as well as any statement of a police officer of APD~~
 31 ~~employee who was required by APD to give a statement.~~
 32
- 33 (q) receive all records, documents and materials in the possession of APD or the city that are
 34 determined to be necessary and requested by AIPA to carry out its scope and authorized
 35 functions, in unredacted form;
 36
- 37 (r) except as included in the board reports in section 2-4-221(f), maintain the confidentiality
 38 of such disciplinary records and criminal investigative files as well as any statement of a
 39 police officer or APD employee who was required by APD to give a statement;
 40
- 41 (s) enter into a MOU with APD, executed by the Police Chief, the AIPA and the city
 42 manager, that defines the terms of the relationships and mutual obligations between
 43 AIPA and APD, including but not limited to, the timely exchange of information and the
 44 efficient coordination of APD and AIPA investigations and establishes the Police Chief's
 45 duty to direct APD employees to cooperate with AIPA investigations;
 46

1
2 (t) enter into a MOU with any other agency in support of the investigatory authority granted.

3
4 (u) Complaints made directly to the AIPA, or referred by the board, shall contain information
5 regarding the incident including, but not limited to, the following:

- 6
- 7 1. Name, address and contact information for the person filing the complaint;
- 8
- 9 2. a statement describing the reasons for the complaint;
- 10
- 11 3. the specific police behavior of concern;
- 12
- 13 4. a description of the incident in which the behavior occurred; and
- 14
- 15 5. information regarding witnesses to or persons with knowledge of the incident known
16 to the complainant, including but not limited to names, addresses and phone numbers,
17 if known at the time the complaint is filed.
- 18

19 Failure to provide all information on the form by the complainant shall not render the
20 complaint unreviewable.

21
22 (v) This process shall be separate and distinct from any existing procedures by which the
23 APD receives community complaints as specified in Virginia Code section 9.1-600.

24
25
26
27 (Ord. No. 5337, 4/17/21, Sec. 2)

28
29 Section 3. That this ordinance shall become effective upon the date and at the time of its
30 final passage.

31
32
33
34
35
36
37 _____
38 ALYIA GASKINS
39 Mayor

40 ATTEST:

41
42
43
44 _____
45 GLORIA A. SITTON, CMC
46 City Clerk
Ordinance Attachments

1
2
3 Introduction: 4/22/2025
4 First Reading: 4/22/2025
5 Publication:
6 Public Hearing: 4/26/2025
7 Second Reading: 4/26/2025
8 Final Passage: 4/26/2025
9
10
11