



City of Alexandria

Proposed Changes to Civilian Oversight Ordinances

Recommendations by Subcommittee

City Council Legislative Meeting

April 22, 2025



Agenda



1. Summary & Background
2. Review Remaining Issues
Discussed by Subcommittee
3. Council Consideration &
Discussion
4. Next Steps



Summary

Request:

- Council consider and adopt the recommendations by the Subcommittee

Discussion:

- Issues Addressed by the Subcommittee
- Subcommittee's Recommendations
- Next Steps
- Questions



Background Information

- **Summer and Fall 2024:** Auditor works with ad-hoc committee and Board to review and consider needed changes to ordinances. Council defers changes and requests additional community outreach.
- **January 2025:** Council unanimously rejected revisions to civilian oversight ordinances as proposed by the ad-hoc committee and adopts resolution to form a **City Council Subcommittee** to address ordinance issues and recommend changes for consideration by full Council.

Background



Subcommittee Details

- **Subcommittee Members: Vice Mayor Sarah Bagley and Councilman Canek Aguirre.**
 - ▶ Staff: City Attorney's Office, Acting Independent Policing Auditor, City Manager's Office, Alexandria Police Department
 - ▶ Additional Input from Board members and Police union.
- Meeting Dates: February 26, March 12 and March 18, 2025.



Areas of Focus

- **Three primary issues addressed by the Subcommittee:**
 1. Clarifying the Board's Authority to Initiate Investigations in the Event of an Impasse with the Auditor.
 2. Determining the Application and Extent of the Auditor's Subpoena Power.
 3. Correcting the Scrivener's Error under 2-4-227(c)(3): Board review of AIPA and APD Investigations.



Board's Authority to Initiate Investigations

- Currently: Board may direct Auditor to conduct Investigations
- Recommended new procedures in the event of an impasse between the Board and the Auditor:
 - ▶ Board will take a vote, requiring a majority for approval
 - ▶ Board will request item to be docketed at City Council
 - ▶ Council will decide

Recommendation #1



Application & Extent of the Auditor's Subpoena Power

Currently: Auditor may petition the Circuit Court to grant a subpoena to compel the timely exchange of information and tangible evidence, and officer attendance at Auditor interviews

Why change the current approach?

- Any public employee's constitutional (Garrity) rights severely limit effectiveness of a subpoena requiring officer attendance
- Result may be extended process, long delays with ultimately limited utility



Application & Extent of the Auditor's Subpoena Power

Recommendation: The Auditor will only seek a subpoena duces tecum to obtain tangible evidence held by the police department and witnesses, and not personal attendance by officers or public. Officers will continue to be required to participate truthfully in normal investigatory interviews, which will be available to Auditor.

What is tangible evidence?

- Police documents and body-worn camera footage
- Security footage or ring cameras with pertinent evidence

Recommendation # 2



Correcting Scrivener's Error to Ensure Board Review of Auditor Investigations

- Updated language under 2-4-227(c)(3) to reflect original intent: Board's Review of APD and ALPA investigations.



Summary of Recommendations by the Subcommittee

1

Clarifying Reporting Authority

In an impasse, Council will determine whether an independent investigation should be conducted by the Auditor.

2

Application and Extent of the Auditor's Subpoena Power

Auditor will apply for a subpoena duces tecum to obtain tangible evidence from APD and witnesses.

3

Scrivener's Error Under 2-4-227(c)(3): Board Review

Board is authorized to review both AIPA and APD investigations for fairness, thoroughness and objectivity.

Recommendations



Next Steps for Auditor & Board

1

- ▶ Develop Memorandum of Understanding to guide relationship with APD

2

- ▶ Continual community engagement and feedback



Thank you!

Questions
&
Discussion

