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Good afternoon, Mayor Gaskins and Members of City Council,

I am sending this correspondence to provide you with an update on the Independent Community Policing Review Board's public hearing on the in-custody death of Allan Tucker Jr., held on June 29th, its subsequent meeting on July 1st, and to advise you of the next steps in the process.

At the June 29th public hearing, I presented my investigation, findings, and recommendations. The Board then opened the floor for public comment. Approximately fifteen individuals spoke, including members of the Tucker family, community members, representatives from the Sheriff's Office, the Human Rights Commission, and counsel for the Tucker family. Following public comment, the Board conducted a question-and-answer session with me regarding the investigation and report. At the conclusion of the discussion, the Board voted to recess the hearing without taking official action so that it could reconvene on July 1 and enter closed session to discuss the investigation before reaching a final decision.

At its July 1 meeting, the Board reopened the public hearing and received additional public comment from Mr. Tucker's mother and sister. The Board then entered closed session with its legal counsel, Ms. Cynthia Hudson.

Following its closed session discussion, the Board stated that in their opinion the investigation is incomplete and recommended further investigation and requested that additional information be included in the report. Pursuant to City Code sec. 2-4-227(c)(4), at the conclusion of a public hearing the Board may take one of the following actions:

- Concur with all or some of the findings and determinations in the investigation report;
- Advise City Council, the City Manager, APD, and the Auditor that the findings are not supported by the information reasonably available and recommend further review or action by the Chief of Police;
- ***Advise City Council, the City Manager, APD, and the Auditor that the investigation is incomplete and recommend additional investigation; or***
- Recommend referral of the complaint to the Commonwealth's Attorney.

The Board's decision to recommend additional investigation was based on three primary concerns:

1. The Board requested additional review of the supervising Sergeant's involvement in the incident and whether additional findings should be made.

- I have agreed to conduct additional review regarding the Sergeant's actions, specifically under APD Directive 2.2 and Administrative Regulation 6-20, to determine whether any additional findings are warranted.
2. The Board requested additional context regarding the report's recommendations for refresher training, including information about when APD previously provided refresher training on body-worn cameras and medical transport, as well as APD's annual training schedule and training requirements.
 - Chief McGuire has agreed to provide the Auditor and Board with additional information regarding APD's training requirements, training structure, and related programs.
 3. The Board requested that the public report include an explanation of why disciplinary recommendations are not included and the legal authority supporting that determination.
 - I have agreed to revise the public report to include an explanation of why disciplinary recommendations are not included in the report. The Board has previously been advised by the City Attorney's Office and its own independent legal counsel that personnel-related disciplinary recommendations are confidential under Virginia law and may not be publicly disclosed. To illustrate this more clearly, if my recommendations were made public and were subsequently accepted and adopted by the Chief, then the discipline in the personnel files of those officers would essentially be made public information. Therefore, while I have shared my recommendations with the Board privately, it is prudent for those recommendations to remain outside of the public domain. While ultimately the Board may not agree with the explanation provided, I am amenable to adding it to the report.

Because the Board is recommending that the investigation be reopened, City Code sec. 2-4-227 requires City Council approval before the Auditor may proceed with additional investigation. The ordinance does not specify the process by which Council should provide that approval – I will defer to the City Attorney's Office regarding the appropriate mechanism, whether that be a special meeting, closed session, or another form of Council action. The City Attorney's Office will follow up with a communication outlining the different options and paths forward to bring this matter to you for consideration.

Please let me know if you have any questions or if I can provide any additional information.

Thank you,

Ameratu Kamara

Independent Policing Auditor