



CITY OF ALEXANDRIA  
Alexandria Independent Policing Auditor

# Proposed Changes To Civilian Oversight Ordinances for Final Passage



# AGENDA



- 1 Timeline of Civilian Oversight
- 2 Issues with Enabling Ordinances
- 3 Ad-Hoc Committee Process
- 4 Key Changes to Enabling Ordinances
- 5 Subpoena Power
- 6 Community Feedback
- 7 Compromised Language on Subpoena
- 8 Next Steps



# SUMMARY

- ▶ June 2024: City Council grants Auditor's request to form an ad -hoc committee to propose changes to enabling ordinances on civilian oversight.
- ▶ Proposed changes by ad -hoc committee presented to Council on November 12<sup>th</sup>.
- ▶ Council adopted City recommended language on subpoena power at first reading.
- ▶ Final passage deferred for additional community feedback.





## BACKGROUND: CIVILIAN OVERSIGHT IN ALEXANDRIA

- ▶ The death of George Floyd sparked community outrage and civil unrest across the country.
- ▶ Resolution 2950 condemns racism and police brutality.
- ▶ Council directed the City Manager and City Attorney's Office to prepare ordinance language for civilian oversight as a proactive measure for transparency, civic engagement and police accountability in the City.



# Civilian Oversight in Alexandria





# ISSUES WITH ENABLING ORDINANCES

The original ordinance created an investigative board to handle police misconduct complaints and an Auditor that would essentially inherit all cases referred by the Board and serious incidents, including use of force, by the APD Office of Professional Responsibility. However, the original ordinances overlooked practical limitations, such as:

1. The Board's lack of specialized training and expertise
2. The lengthy process of administrative investigations (i.e. review of BWC, scheduling interviews, locating witnesses, access to records, etc.)
3. Resource constraints for the Auditor's office should the Auditor be restricted from monitoring OPR investigations.



# CURRENT STRUCTURE OF CIVILIAN OVERSIGHT IN ALEXANDRIA

## AUDITOR

Investigative arm of  
civilian oversight in Alexandria

Professional staff

**Subpoena power**

Monitors and audits APD complaints &  
investigations

Supports Board with meetings,  
training, review, and investigations

**Reports to the Board**

## BOTH

Ensure transparency, accountability,  
and public trust in local law  
enforcement

Appointed by City Council

Community engagement and  
feedback

Quality assurance and policy reviews  
of APD directives

NACOLE & APD Training  
including ride -a-longs

Public reporting & engagement

## BOARD

Review and community arm of civilian  
oversight in Alexandria

Independent review of APD and Auditor  
investigations for fairness and  
thoroughness

**No subpoena power**

**Conduct investigations**

Public body: volunteer residents of ALX

Reviews APD directives and practices to  
recommend reform based on patterns in  
complaints, community feedback, and  
best practices





# ISSUES WITH ENABLING ORDINANCES

The hybrid investigative board model has proven ineffective in other jurisdictions due to similar challenges as advised by NACOLE. In response, Kim Neal proposed forming an ad-hoc committee to align the Board and Auditor with best practices and improve their effectiveness. In her request, she asked Council to approve an ad-hoc committee to address the following areas:

Board's  
Quorum &  
Training  
Requirements

Board's Membership  
Requirements

Clarifying roles related  
to investigations

Auditor's monitoring and  
investigative  
role





# TIMELINE OF CIVILIAN OVERSIGHT: 2024

- ▶ Ad-hoc committee members: Auditor, Board, APD (including the Interim Chief and Captain of OPR), City Attorney's Office, CMO.
- ▶ Met on a weekly basis between July - October 2024.
- ▶ Reviewed each section of [Alexandria City Code Art. 4, § 4-1-5 thru 4-1-7](#) and [Alexandria City Code Art. AA, § 2-4-220 thru 2-4-229.](#)
- ▶ Sections reviewed and proposed changes on consensus items summarized in weekly report.



# TIMELINE OF CIVILIAN OVERSIGHT: OCTOBER 2024

- ▶ The Auditor provided updates to the Board during monthly meetings and shared feedback with ad-hoc committee members.
- ▶ Board reviewed and approved proposed changes by vote on three separate occasions - October 2nd, 7th, and 28th.
- ▶ Board approved all proposed changes with the exception of subpoena power.
- ▶ Auditor hosts virtual event to gather community feedback on proposed ordinance changes.



# KEY CHANGES: Board

1

Primary role is  
to review  
investigations  
completed by  
APD and  
Auditor

2

Board will create  
formal inquiry  
intake process to  
receive policing  
concerns and  
request  
investigations by  
the Auditor

3

Board  
training,  
quorum,  
membership,  
and meeting  
requirements  
amended





# KEY CHANGES: Auditor

1

Primary role of monitoring and investigating complaints requested by the ICRPB or member of the community

2

Auditor will engage youth, predominately marginalized communities, and APD and provide periodic reports to Council, CMO, and Board.



# PROPOSED STRUCTURE OF CIVILIAN OVERSIGHT IN ALEXANDRIA

## AUDITOR

Investigative arm of  
civilian oversight in Alexandria

Independent receipt and  
investigation of complaints and  
commendations regarding APD  
officers

Professional staff

**Subpoena power**

Monitors and audits APD  
complaints & investigations

Supports Board with  
investigations, meetings, training,  
and review.

## BOTH

Ensure transparency,  
accountability, and public trust in  
local law enforcement

Appointed by and report to City  
Council

Community engagement and  
feedback

Quality assurance and policy  
reviews of APD directives

NACOLE & APD Training  
including ride -a -longs

Public reporting & community  
engagement

## BOARD

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No subpoena power

Reviews APD directives and  
practices to recommend reform  
based on patterns in  
complaints, community  
feedback, and best practices



# SUBPOENA POWER

- ▶ **Auditor/City Recommendation:** Chief of Police has a duty to compel cooperation with Auditor Investigations and Board reviews, including timely exchange of information and coordination.
- ▶ **Board Recommendation:** Auditor will apply for a subpoena to be issued by the Circuit Court compelling officer cooperation upon good cause shown.
- ▶ **NOTE:** subpoena power is retained by the Auditor under section 4 - 1-6(r), not the Board.





# APPLYING SUBPOENA POWER

1. Auditor prepares a petition and applies to the Alexandria Circuit Court for a subpoena by filing with the Clerk's Office.
2. The subpoena would then be served on the officer.
3. The officer would have an opportunity to file a Motion to Quash such subpoena.
4. Auditor would have an opportunity to respond to the Motion.
5. A hearing is held before an Alexandria Circuit Court Judge.
6. Judge may grant or deny the issuance of the subpoena dependent on whether good cause is shown as to its necessity.



# Community Feedback



# Community Feedback Methods

**Virtual  
Engagement  
on  
October 23rd**

**Community  
Presentations in  
December**

**Community  
Feedback Forms**

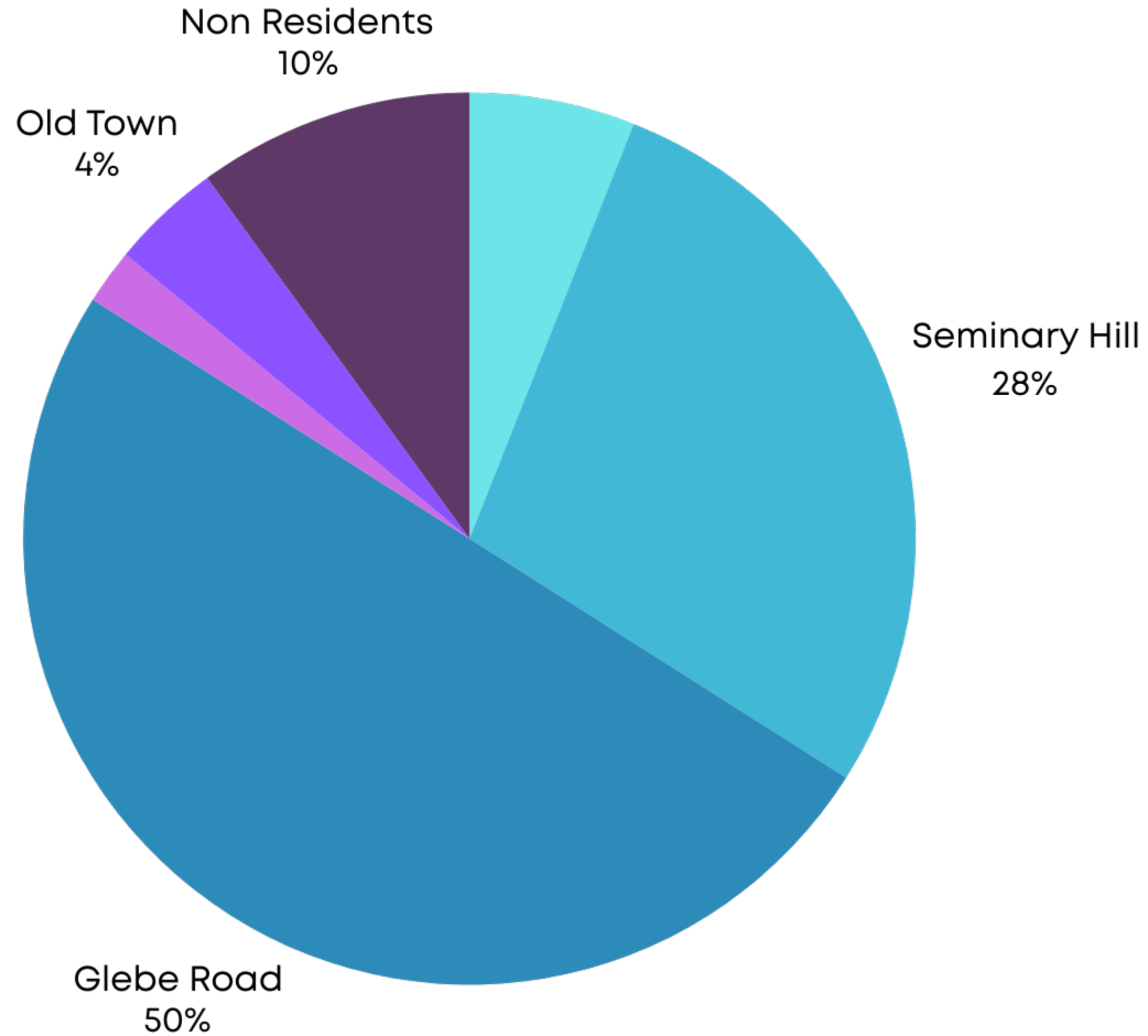
**Translation  
Services**

**Informative  
Posters with QR  
codes**

**Listserv of 200+  
Residents,  
Businesses, and  
HOAs**

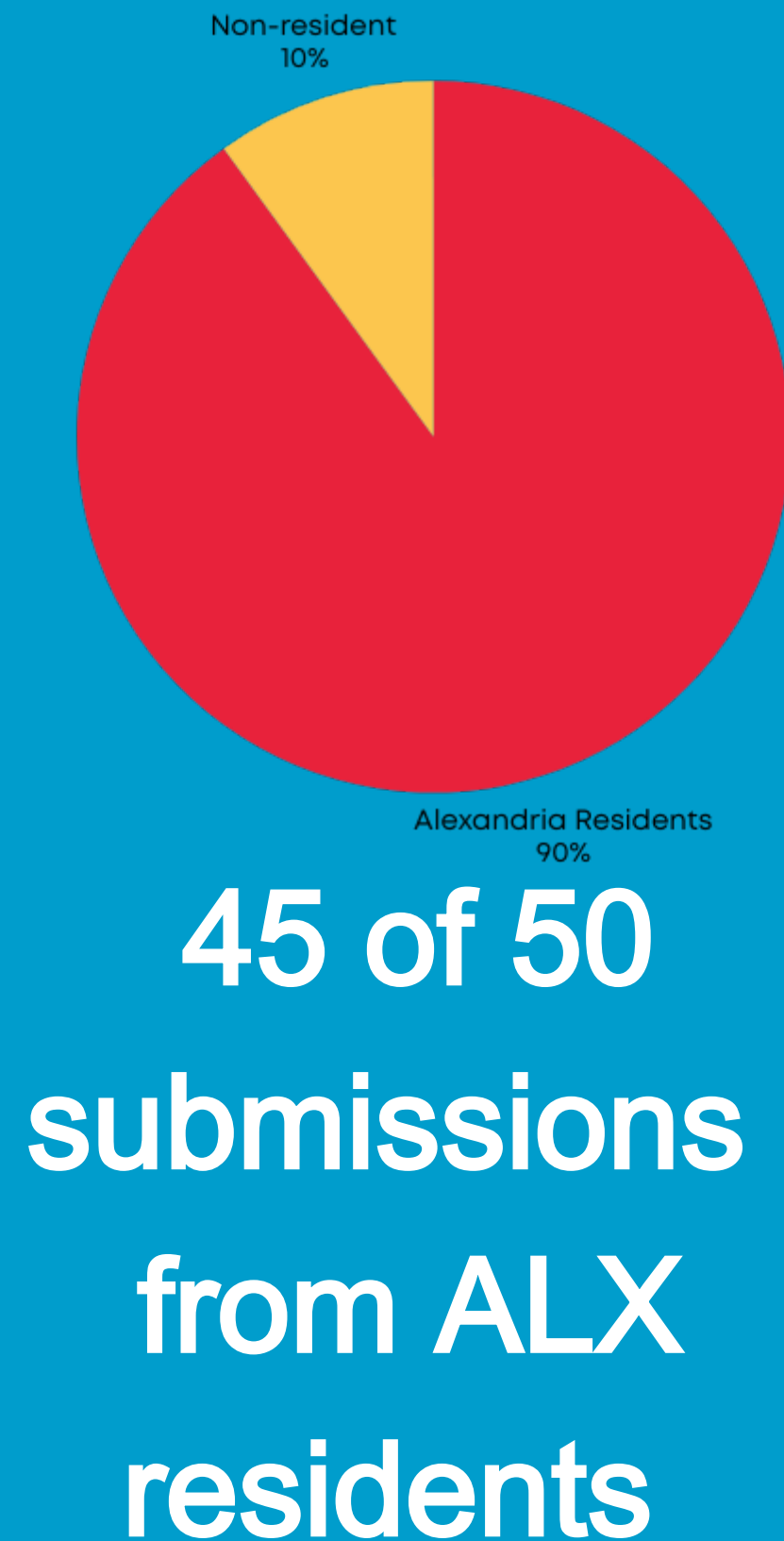


# FEEDBACK FORM RESULTS





# Feedback Form Results

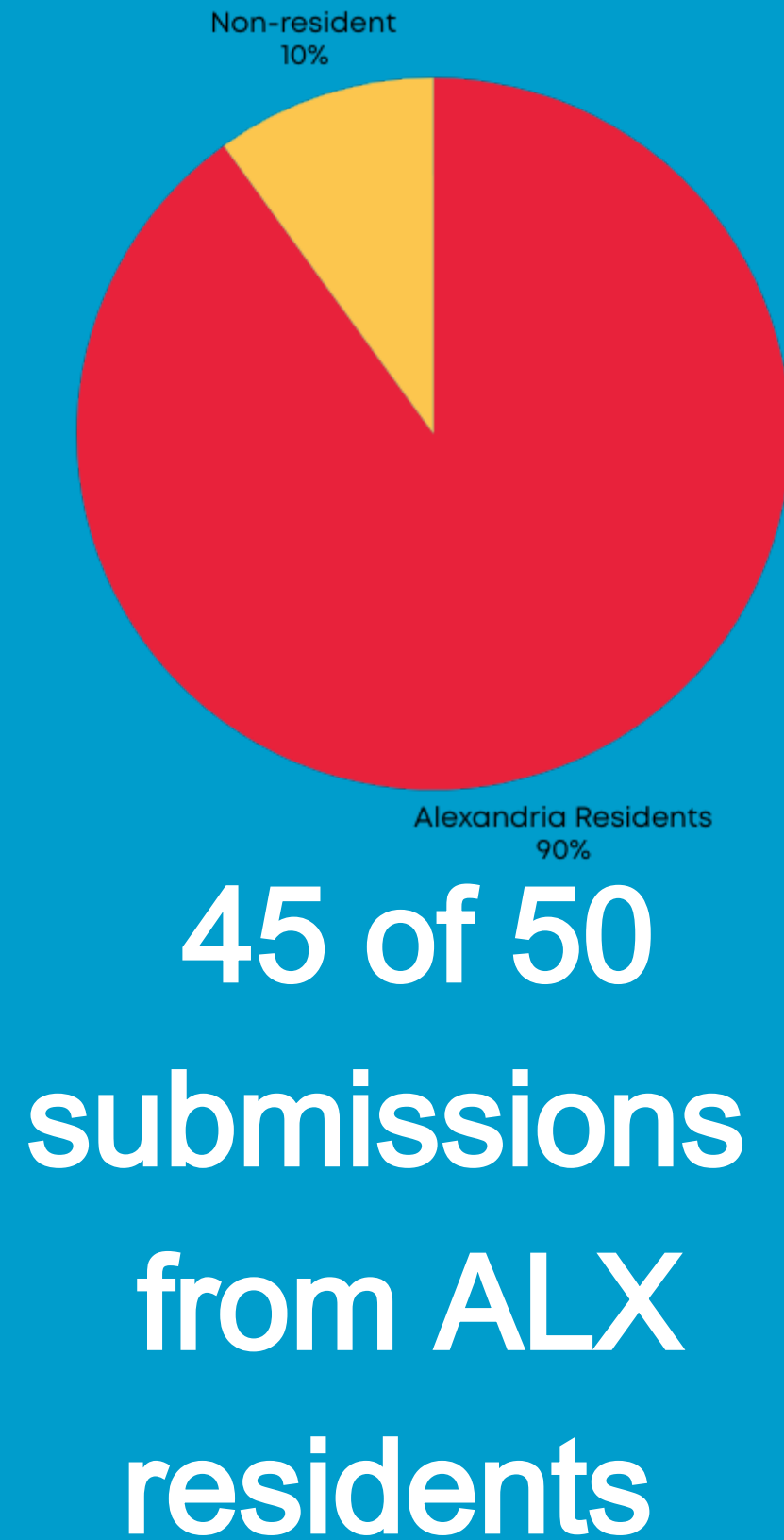


*Feedback Form submissions  
between 11/14 - 12/28*

- ▶ **Strong community support for change clarifying Board's and Auditor's role and responsibilities during investigations**
  - ▶ Access to APD records and systems necessary to carryout investigative and review functions.
  - ▶ Auditor's role: independently receive, investigate, and issue findings on complaints of officer misconduct.
  - ▶ Board's role: independently review investigations conducted by the Auditor and Board for fairness and thoroughness.
- ▶ **Strong community support for changes in Board meeting/quorum, training, and membership requirements.**



# Feedback Form Results



*Feedback Form submissions  
between 11/14 - 12/28*

- ▶ **Subpoena Power vs. Compelling Language in the Memorandum of Understanding**
  - ▶ 48 out of 50 (96%) believe the Auditor should retain subpoena power.
  - ▶ 48 out of 50 (96%) support that the Chief of Police, should compel APD staff to cooperate in Auditor investigations, as recommended by City Staff.





# COMPROMISE LANGUAGE ON SUBPOENA POWER

With strong community support for subpoena power considered, we have prepared compromised language in lieu of both the City/ Auditor's and Board's recommendations. The compromised language vests the authority to compel timely exchange of information and cooperation with Auditor investigations in the City Manager and Chief of Police, permitting the Auditor to apply for a subpoena to be issued by the Circuit Court upon denial or failure by the CMO or Chief to compel cooperation.

The language reads as follows:

***"Should the Police Chief refuse to compel APD employee cooperation, the City Manager shall compel APD employee cooperation, and if the City Manager refuses to compel APD employee cooperation the Auditor may apply to the Alexandria Circuit Court for a subpoena compelling the attendance of such APD employee."***



## Clarification of Sec. 2 -4-227(c): Board Review of APD and AIPA investigations

The Board and Staff recommend clarifying that the Board will review investigations by the APD and AIPA, as intended when the Board was created. It is not a substantive change to correct this inadvertent omission.

Recommended Language: “The Board may review investigations conducted by APD and the AIPA regarding conduct of APD law enforcement officers and civilian employees, whether the initiating complaint is received by the APD or the AIPA.”



**1** Seeking Final Passage

**2** Signed MOU

**3** Establish & Publish Complaint Process

**4** Community Engagement Plan

**NEXT STEPS**



CITY OF ALEXANDRIA  
Department or Office Name

# Additional Questions & Comments

