

COMMUNITY FEEDBACK SUMMARY

Alexandria Independent Policing Auditor

Proposed Changes to Civilian Oversight Ordinances

January 2, 2025

INTRODUCTION

In June 2024, the Office of the Alexandria Independent Policing Auditor (AIPA) presented to the City Council regarding the state of civilian oversight in Alexandria. During the presentation, Director Kim Neal identified several issues within the enabling ordinances governing the Independent Community Policing Review Board (ICPRB) and the AIPA. The Auditor requested permission to form an ad-hoc committee to address these issues and propose revisions. Key concerns with the ordinances included clarifying the ICPRB's powers and procedures related to investigations and review, ICPRB quorum and membership requirements, and AIPA's role in investigations. The City Council unanimously approved the request to form the ad-committee, with the expectation that the Auditor would return in the fall with proposed changes to the ordinances.

The ad-hoc committee was composed of:

- Alexandria Independent Policing Auditor
- Two members of the Independent Community Police Review Board (ICPRB)
- The Alexandria Police Department, including the Interim Chief of Police and Captain of Professional Standards
- The City Attorney's Office
- The City Manager's Office.

Between July and October 2024, the ad-hoc committee met weekly, and sometimes biweekly, to discuss and propose changes to ordinances for the Board and the Auditor. The Auditor's office facilitated discussions between the Police department, City Manager's Office, and ICPRB members. All committee members contributed their positions on each proposal and recommended new language for each section discussed. After each meeting, AIPA compiled a summary of the discussion points and recommendations into a report. The Auditor distributed to ad-hoc committee members for review and provided updates to the ICPRB during its monthly meetings.

The ad-hoc committee reviewed each section of the ordinances, line by line, discussing legal and procedural parameters and new language proposals. For issues where consensus was reached, each member submitted language for proposed revisions. The City Attorney's Office revised the ordinance language to reflect the group's unanimous agreement. In the event of a gridlock where the committee could not reach consensus, those items were tabled to be considered by City Council for a final decision. Upon receiving final revisions from the City Attorney's Office, AIPA shared the proposed changes with the entire ICPRB for their review and approval. The ICPRB reviewed and unanimously approved most changes to the ordinances on three separate occasions – October 2nd, 7th, and 28th. Recordings of the ICPRB's discussions and are available on The Board's city webpage. The only proposed change that the Board rejected was the removal of subpoena powers from the AIPA. As a result, subpoena power was the only issue from

the ad-hoc committee's review that tabled as a non-consensus item to be determined by City Council. AIPA also held a virtual engagement with 15 community members to solicit feedback on the proposed changes October 23, 2024. AIPA compiled all community feedback and proposed changes in a final report to City Council.

In its final report, AIPA submitted two versions of the ordinance changes regarding subpoena power: one with the Board's recommended language that AIPA to retain subpoena power; and another with the City's recommended language that addresses the issue with compelling language in the Memorandum of Understanding (MOU). On November 12th, AIPA's Interim Director, Ameratu Kamara, and Meghan Roberts of the City Attorney's Office presented to Council detailing the ad-hoc committee process and proposed changes. The City Attorney's Office explained the legal and procedural hurdles associated with retaining subpoena power. Following the presentation, City Council adopted the proposed changes with the City's recommended language on subpoena power in a 6-1 vote. The proposed revisions were set for final passage on January 25, 2025. Before the final vote, AIPA and the City Attorney's Office will present a summary of community feedback on the proposed changes.

This report summarizes the oral and written feedback received from community members regarding the proposed changes to civilian oversight ordinances in Alexandria. AIPA made a community feedback form available on its website, along with a breakdown of the proposed changes from the ad-hoc committee. The form was distributed to a listserv of 200+ community members, programs, business owners, and homeowner associations in Alexandria. Finally, AIPA hosted two in-person community events in December 2024 at Tenants and Workers United and the Charles Houston Recreation Center to inform them of the proposed changes and gather feedback.

FEEDBACK SUMMARY

Virtual Engagement – October 23, 2024

Before presenting to the City Council on November 12th, AIPA fulfilled the Council's initial directive to gather feedback on the proposed ordinance changes before returning to Council in November. On October 23, 2024, AIPA held a virtual engagement with members of the Alexandria community, where 17 attendees had the opportunity to ask questions and provide feedback. Following a presentation by the Auditor, Kim Neal, AIPA staff facilitated a Q&A session and opened the floor for comments. This engagement was notably different from the initial ordinance passage, which had limited community participation and feedback, with language adopted live on the record as proposed by Council members.

Overall, community members were satisfied with the proposed changes as it allowed the ICPRB to receive inquiries and concerns, request investigations from the AIPA or Police Department, and issue recommendations and findings in its review of investigations.

Community Engagement – Tenant's & Workers United – December 12, 2024

AIPA also hosted a community engagement event to inform community members about civilian oversight in Alexandria and solicit feedback on proposed ordinance changes at Tenants & Workers United (TWU) on December 12, 2024. This event was attended by 22 people, with a Spanish-speaking interpreter present. After a presentation by AIPA, community members were

given the opportunity to provide feedback. AIPA gathered oral and written feedback submitted on translated feedback forms. The written results were combined with those gathered online via AIPA's website.

TWU Community Concerns and Feedback

- It is important for the community to know that AIPA is a resource available to anyone who experiences unfair treatment by police.
- Community members do not always want to go to the police station to file a complaint. Therefore, AIPA's presence and investigatory power is vital.
- AIPA should make it clear in its ordinance and/or promotional materials that there is no cost associated with its services.

Community Engagement – Charles Houston Recreation Center – December 16, 2024

On December 16, 2024, AIPA hosted an in-person meeting at the Charles Houston Recreation Center to gather additional feedback. This event had 11 attendees, including 5 ICPRB members and 2 members of the Human Rights Commission. Following a presentation on the proposed ordinance changes, a Q&A session was held. Community members were encouraged to complete feedback forms in-person or online, or submit general comments to AIPA's email. All feedback received is compiled below:

Charles Houston Recreation Center Community Concerns and Feedback

- **Support for AIPA's Investigatory Powers:** Attendees expressed strong support for AIPA's full investigatory powers. They also supported strong language in the ordinance and MOU that would empower AIPA to investigate complaints of police misconduct.
- **Concerns Regarding ICPRB's Investigatory Powers:** Several ICPRB members expressed concern that the Board would no longer be able to initiate investigations and would only review investigations completed by AIPA and APD. ICPRB members suggested that the Board should have the power to directly request investigations, and they feared that AIPA might reject these requests.
- **Subpoena Power:** Most attendees expressed support for AIPA to retain subpoena power. Attendees believed this would be crucial for ensuring full accountability and cooperativeness in the investigative process.
- **ICPRB's Role in Receiving Inquiries:** Concerns were raised about the Board's reduced role in receiving complaints directly. Some felt that the proposed changes limiting the Board to only receiving inquiries might weaken its ability to serve the community.
- **Board Members' Involvement in the process:** ICPRB members also expressed concerns that they were not fully aware of the proposed changes and felt their input had not been adequately incorporated. However, as previously noted, two members of the ICPRB had been directly involved in the ad-hoc committee discussions and new language proposals. ICPRB additionally received had received weekly and monthly updates from the Auditor. ICPRB members also received and reviewed the final proposed changes line by line on three

separate occasions. The Board unanimously approved the proposed changes except for subpoena power. Among their approved provisions was AIPA's retention of independent investigatory power and The Board's primary role of reviewing investigations by APD and AIPA.

- **Human Rights Commission Seat for ICPRB:** Members of the Human Rights Commission asked that the ICPRB consider adding a designated seat (ex-parte, non-voting) on the ICPRB for members of the Human Rights Commission. This would be an addition to the ICPRB's membership section.
- **Positive Feedback on Board's Quorum Requirements:** The Board's new quorum requirement will allow them to manage administrative matters and reviews efficiently.

Online Submissions

AIPA received feedback from online submissions through AIPA's website. Feedback forms completed in-person during community events were compiled with the data received online. Other outreach efforts included promoting the feedback form through a listserv of over 200+ residents, businessowners, and homeowner associations in Alexandria; informational flyers, containing a QR code to the feedback form, were also posted at various community centers and public locations; finally physical copies of the form were also distributed and made available in Spanish, with language translation services during community engagements.

FEEDBACK FORM RESULTS

In total, AIPA received 50 feedback submissions. 45/50 submissions were made by residents of Alexandria and 5/50 from non-residents or those without zip codes. The form opened on November 14, 2024 and closed on December 28, 2024.

Residency of Respondents:

- 3 respondents (6%) were from the Potomac Yards area (22301)
- 14 respondents (29%) were from Seminary Hill (22304)
- 25 respondents (52%) were from the Glebe Road area (22305)
- 1 respondent (2%) was from Mark Center/West End (22312)
- 2 respondents (4%) were from Old Town (22314)
- 5 respondents (10%) did not provide a ZIP code

Key Findings and Summary of Survey Responses

- **ICPRB residency requirements:** 48 out of 50 (96%) supported the new requirement that ICPRB Board members should be residents of Alexandria.
- **ICPRB's role in reviewing investigations:** 27 out of 50 (54%) supported the ICPRB's primary role of review and ability to issue findings and recommendations.

- **ICPRB receiving complaints:** 27 out of 50 (54%) support the proposed change that ICPRB should receive inquiries directly, and forward them to AIPA or APD for investigation.
- **AIPA's role in investigating complaints:** 48 out of 50 (96%) support the proposed change that the AIPA should receive complaints directly and initiate investigations.
- **AIPA's access to police records and subpoena power:** 48 out of 50 (96%) believe the AIPA should have access to all police systems and records and retain subpoena power.
- **Cooperation from APD:** 48 out of 50 (96%) support that the Chief of Police, regardless of whether AIPA has subpoena power or not, should compel APD staff to cooperate in AIPA investigations, as recommended by City Staff.
- **Training for ICPRB and AIPA:** 27 out of 50 (54%) believe that both AIPA and ICPRB members should be well-trained in civilian oversight and policing.

AIPA'S RESPONSE – ICPRB'S CONTENTION WITH INVESTIGATORY & SUBPEONA POWERS

Recently, ICPRB members and one member of the community have reinforced their support for AIPA's subpoena power. Additionally, ICPRB members expressed concern that under the new provisions regarding ICPRB's inquiry intake, AIPA or APD could decline to investigate a matter brought forth by the Board. Therefore, many ICPRB members want Council to consider language that would allow the Board to direct the Auditor to conduct investigations. The Auditor and other members of the ad-hoc committee (City Attorney, APD, and CMO) remain in support of the provisions approved on November 12th by Council – AIPA's primary role will be to initiate investigations, while the ICPRB may receive inquiries and review investigations completed by AIPA or APD. Below is a breakdown of AIPA's response to recent ICRPB concerns and allegations regarding investigatory and subpoena powers:

ICPRB Investigatory Powers - FOIA Restrictions and Procedural Inefficiency

The Board's support for investigatory powers has both legal and procedural drawbacks. Under the current proposal approved by Council on November 12th, the Board cannot receive complaints and initiate formal investigations. Instead, the approved revisions allow the ICPRB to receive inquiries and forward them to AIPA or the Alexandria Police Department (APD) to initiate an investigation. This change is in line with the requirements of the Freedom of Information Act (FOIA), which applies to AIPA and APD but not the Board. If the Board were to receive complaints and initiate investigations directly, it may not be able to redact and protect private information in the event of a FOIA request. Additionally, procedural efficiency is a concern. The Board cannot pause its public meetings to intake a complaint. If the Board were to allow community members to submit complaints during its monthly meetings, it would require a separate intake process for complaints. Complainants would be required to schedule initial interviews by the ICPRB, who are not trained to conduct investigations, and then follow up interviews with the AIPA or APD. While AIPA and APD will work efficiently to issue findings on complaints received, the process is already painstakingly long for community members seeking justice and relief. The most efficient and legal method for the independent investigation of police complaints is for the Board to receive inquiries and gather basic contact information, as currently proposed and approved by Council. AIPA and APD led

investigations will simplify the process, protect complainant's privacy, and ensure case management by trained, qualified professionals.

The current provision approved by City Council for shared investigatory and review powers between the ICPRB and AIPA aligns with national standards set by the National Association of Civilian Oversight of Law Enforcement (NACOLE). These hybrid models of civilian oversight include a balance of review, investigative, and auditor/monitor powers. Each jurisdiction adopts the model and structure that best fits its unique needs and resources. Many jurisdictions, including Arlington, VA, Philadelphia, PA, Baltimore, MD, and Washington, DC established community boards primarily tasked with reviewing investigations conducted by an Independent Auditor or local law enforcement. This isn't about a power struggle between the Board and AIPA; instead, the focus must be on maintaining independence and efficiency for both bodies. While it is important for Alexandria to retain all powers under civilian oversight (review, investigatory, and auditor/monitor) that does not mean that all powers must be retained by one entity. NACOLE and civilian oversight agencies across the country have shown that multiple civilian oversight agencies can co-exist and share powers within the same jurisdiction.

In Alexandria, the ad-hoc committee discussed the potential repercussions of the Board holding investigatory powers for weeks and ultimately reached a consensus that it would be more efficient for AIPA to retain full investigatory powers. AIPA and APD can receive complaints without running into technical and procedural complications, as well as protect private information in the event of a FOIA request. To ensure the Board remained accessible to community concerns however, the ad-hoc committee agreed to proposed language establishing an inquiry intake process. The inquiry intake process permits the ICPRB to receive inquiries and forward them to AIPA or APD for investigation. While Board members have expressed concern that AIPA or APD may decline to investigate an issue if it is submitted as an inquiry rather than a formal complaint, the legal and procedural challenges remain, making the ICPRB an unsuitable entity for directly handling complaints.

AIPA Expertise

It's also important to note that the ICPRB is not trained to conduct investigations. Across the country, many community boards are designed solely as review bodies that work alongside city departments and oversight agencies. This model, which mirrors the current proposal approved by Council on November 12th, allows for a clear division of responsibilities. For example, jurisdictions like Arlington, VA, have adopted similar structures, where civilian oversight boards primarily review investigations conducted by professional oversight bodies, such as a police auditor or investigator, who are specially trained for such tasks. AIPA's investigators are trained in civilian oversight and case management, including a recent training with IAPro, who provides the case management system used by APD officers. This expertise allows the AIPA team to handle investigations in compliance with best practices, oversight procedures, and legal standards.

CONCLUSION

The proposed changes to the civilian oversight ordinances in Alexandria have been developed through a collaborative, consensus building process, including input from members of the Alexandria community, Independent Policing Auditor's office, the Independent Community

Police Review Board, the Alexandria Police Department, City Manager's Office and the City Attorney's Office. AIPA maximized its efforts to ensure that community voices were heard by hosting multiple engagement events, distributing feedback forms, offering language translation services, and providing opportunities for virtual and in-person participation.

Throughout the process, the ad-hoc committee worked to balance the need for effective and efficient civilian oversight with the input of community members. The decision to retain investigatory powers with AIPA, review powers with the ICPRB, and create inquiry processes, not only aligns with national best practices, but also, it is heavily supported by community members according to the data received on feedback forms. The ad-hoc committee's discussions were informed by best practices, community input, and careful consideration of legal constraints and practical realities. This resulted in a group consensus to a balanced approach to civilian oversight ensuring that the AIPA and ICPRB are well-equipped to meet the needs of Alexandria's residents and achieve its goals of fairness, transparency, and accountability in local policing.

AIPA remains committed to ongoing engagement and transparency, as well as to refining the ordinance language as necessary, to ensure that the ordinances reflect the will of the community while upholding the standards and integrity required for effective civilian oversight.

Submitted by: Ameratu Kamara, J.D.

Interim Director

Alexandria Independent Policing Auditor

January 2, 2025