

DRAFT 02192021 – Hybrid

Note: Comments in Red are presented by Councilman Seifeldein and will be considered by City Council

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ORDINANCE NO. _____

AN ORDINANCE to amend Chapter 4 (“COMMITTEES, BOARDS AND COMMISSIONS”) of Title 2 (“GENERAL GOVERNMENT”) of The Code of the City of Alexandria, Virginia, 1981, as amended, by adding a new Article AA (“COMMUNITY POLICING REVIEW BOARD”).

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 by adding new Article AA, “Independent Community Policing Review Board,” as follows:

ARTICLE AA – COMMUNITY POLICING REVIEW BOARD

Sec. 2-4-220 Community Policing Review Board

(a) 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 ordinance shall be consistent with Virginia law and regulations.

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) for certain matters, and evaluate policing practices, policies, procedures, and outcomes in Alexandria, issue findings, and provide actionable recommendations to the city council, the city manager, the school board, the school superintendent, APD and other public agencies regarding appropriate discipline, policing practices, policies and procedures in Alexandria. The Board is hereby authorized to perform the following duties:

(c) In order to carry out its scope and authorized functions and to define in more detail the process and terms articulated in its scope, the Board shall **OR change shall to may**

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1 (Seifeldein Comment) enter into a memorandum of understanding (“MOU”) with the
2 APD. The MOU shall be signed by the police chief and the city manager. OR either
3 delete previous sentence or add “such signatures shall not be unreasonably withheld.”
4 (Seifeldein Comment) The MOU shall define the terms of the relationships and mutual
5 obligations between the Board and APD. The Board is authorized to negotiate the
6 provisions of these MOUs, assisted by the city council appointed Independent Policing
7 Auditor/Investigator, and the City Attorney’s Office OR change City Attorney’s Office to
8 legal counsel”. If a provision of these MOUs conflicts with a provision of this enabling
9 ordinance, the provision of the enabling ordinance shall govern.

10
11 (d) All records, documents and materials in the possession of APD or the City that are
12 determined by the Board to be necessary and requested by the Board to carry out its
13 scope and authorized functions shall be provided in unredacted form. If such documents
14 contain confidential information authorized to remain confidential pursuant to the
15 Virginia Freedom of Information Act, the information may be reviewed in a closed
16 session of the Board in order to maintain the confidentiality. If the documents requested
17 are part of a criminal investigative file for an active criminal investigation which could be
18 compromised by the revelation of the process, evidence, methods, scope, or other factors
19 in such investigation, APD shall not be compelled to provide such documents until such
20 time as the investigation is completed or a determination is made that the criminal
21 investigation will no longer be compromised.

22 Seifeldein Comment: Require that the APD provide documents regardless of the
23 timing of a criminal investigation in order to allow concurrent investigations.
24 However, the documents will be kept private and shall not be disclosed publically
25 until pending criminal investigations conclude.

26
27 (e) The Board, assisted by the Independent Policing Auditor/Investigator, is authorized to
28 develop and implement its own bylaws, administrative systems, and operating policies
29 and procedures, consistent with existing federal and state law, state regulation, and this
30 enabling ordinance. Such bylaws shall be subject to public notice and public hearing
31 before adoption by the Board and would become effective upon adoption by City
32 Council.

33
34 (f) In order to carry out its duties the Board and Office of the Independent Policing
35 Auditor/Investigator shall be provided an annual budget and appropriation by City
36 Council, and shall expend the funds provided consistent with:

- 37
38 i. the purposes and scope of the Board and of the Office of the Independent Policing
39 Auditor/Investigator;
40 ii. the MOU with the APD required herein; OR Delete ii (Seifeldein Comment)
41 iii. the budget and appropriation approved by City Council; and
42 iv. city procurement and expenditure regulations and practices.

43
44 (g) The Board, through the Independent Policing Auditor/Investigator, shall be provided full
45 access to all APD reports, files and records related to the Board’s investigation or review
46 of complaints filed with the Board or with APD.

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1
2 **Sec. 2-4-222 Board Member Requirements and Term of Office**
3

4 (a) The Board shall be composed of seven voting members appointed by the City Council,
5 which shall endeavor to create a fair, objective, independent, diverse, and representative
6 body which shall reflect the demographic diversity of the City.
7

8 (b) The seven voting members of the Board shall be residents of the City of Alexandria and
9 shall demonstrate fairness, integrity and objectivity and will be chosen **OR add “by the**
10 **Council’s sole discretion” (Seifeldein comment)**, which may be on the basis of expertise
11 and experience relevant to the performance of the duties of the Board. **OR Delete “will be**
12 **chosen on the basis of expertise and experience relevant to the performance of the duties**
13 **of the board.” (Seifeldein Comment)** City Council shall appoint voting members who are
14 representatives of the following groups (though one member may be representative of
15 more than one group):
16

- 17 i. at least three members who come from historically, racially or socially
18 marginalized communities that have commonly experienced disparate policing in
19 Alexandria or the Commonwealth of Virginia;
- 20 ii. at least one member who represents an organization, office, or agency that seeks
21 racial or social justice or that otherwise advocates on behalf of historically,
22 racially or socially marginalized communities, particularly communities that may
23 have experienced disparate policing; and
- 24 iii. at least one nonvoting, ex-officio member who shall have past experience in law
25 enforcement, but shall not be a current employee of or immediate family member
26 of a current employee of a law enforcement agency **OR add “or have been**
27 **removed from law enforcement within 5 years of appointment” (Seifeldein**
28 **comment).**
29

30 (c) No voting member shall be a current City employee, a current candidate for public office,
31 hold an elected public office, a former employee of APD, an immediate family member
32 of a current or former APD employee, a current APD employee, or a current employee of
33 a law enforcement agency.
34

35 (d) Except as to the inaugural Board, members shall be appointed for terms of three-years
36 each, which shall expire as of May 31. Board members’ terms shall be staggered. To that
37 end, the City Council shall appoint three voting members of the inaugural board to 18-
38 month terms and four voting members to three-year terms. A Board member may be
39 appointed to no more than two consecutive three-year terms.
40

41 (e) The Board procedures shall comply with Section 2-4-1 et seq of the City Code except as
42 has been modified by this Chapter.
43

44 **Sec. 2-4-223 Conflicts of Interest and Confidentiality**
45

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- 1 (a) The Board and each member shall comply with the Virginia State and Local Government
2 Conflict of Interests Act under Virginia Code §§ 2.2-3100 et seq.
3
 - 4 (b) To the extent allowed under the Virginia Freedom of Information Act, each member shall
5 maintain the confidentiality of all confidential or privileged information, including but
6 not limited to:
 - 7 i. disciplinary actions, memos and reports that the member receives during service
8 on the Board.
 - 9 ii. statements of a police officer, or APD employee, who was required by APD to
10 give a statement.
 - 11 iii. criminal investigative files.
- 12 OR delete Section b (Seifeldein Comment)

13
14
15 **Sec. 2-4-224 Quorum, Voting, and Meetings**

- 16
17 (a) The Board shall comply with the procedures for Board and Commissions in Article A or
18 Title 2, Chapter 4, unless expressly amended in this Article.
19
- 20 (b) The Board shall meet as often as necessary to conduct its business, but no less frequently
21 than four times per calendar year.
22
- 23 (c) Meetings of the Board shall comply in all respects with the meeting regulations of the
24 Virginia Freedom of Information Act including being open to the public except under
25 circumstances when the topic is authorized by the law to be discussed in closed session.
26
- 27 (d) To take any action, a quorum of at least five OR four (Seifeldein Comment) out of seven
28 voting members must be present.
29
- 30 (e) The Board shall keep minutes of its Board Meetings, and those minutes shall include:
 - 31 i. the date, time, and location of each meeting;
 - 32 ii. the members present and absent;
 - 33 iii. a summary of the discussion on matters proposed, deliberated, or decided; and
 - 34 iv. a record of any votes taken.
- 35
36 (f) The Board meeting minutes are public records and subject to inspection pursuant to the
37 Virginia Freedom of Information Act.
38
39

40 **Sec. 2-4-225 Support of Board**

- 41 (a) Board Staff
 - 42
43 i. The city council shall appoint an Independent Policing Auditor/Investigator
44 pursuant to Section 4-1-5 and 4-1-6 of this Code who shall staff the Board and
45 coordinate the Board’s administrative functions.

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- 1 ii. The Independent Policing Auditor/Investigator shall hire such investigators as
2 shall be necessary to conduct the investigations assigned to the Board. Such
3 investigators may be consultants or full-time employees depending on the demand
4 for the investigations.
- 5 iii. The City Attorney, or its designee, shall serve as legal advisor to the Board. As to
6 a particular matter, and in the event that there is a conflict of interest that
7 precludes effective representation by the City Attorney’s Office, the City shall
8 retain outside counsel to advise the Board. **OR delete previous and add “The**
9 **board shall hire outside legal counsel to advise the board and the Police**
10 **Auditor/Investigator on legal matters that come before the board.” OR “Retain**
11 **outside legal counsel as needed to advise the Board and the Police**
12 **Auditor/Investigator on legal matters that comes before the Board. The City**
13 **Attorney, or its designee shall serve as a legal advisor to the Board in cases where**
14 **the Board does not require outside counsel or there is no risk of conflict”**
15 **(Seifeldein Comment)**
16
- 17 (b) Other Support from the City
- 18 i. A website shall be established for the Board hosted on the City’s website. The Board
19 shall control what is posted on the Board’s website to the extent it complies with all
20 applicable Federal, State and local laws.
- 21 ii. All public meetings of the Board shall be videotaped and made available to the public
22 on the City’s website.
- 23 iii. The City shall not interfere unreasonably **OR remove the word “unreasonably”**
24 **(Seifeldein Comment)** with the Board’s decisions, assisted by the Independent
25 Policing Auditor/Investigator, to post materials to or remove materials from the
26 Board’s website.
- 27 iv. Board members shall be provided with a City email address to be used exclusively for
28 Board-related matters.
- 29 v. The City, including all city departments, boards, commissions, and staff shall make
30 good faith effort to cooperate with and assist the Board, and shall comply with, or
31 expeditiously provide a reason for rejecting, all reasonable Board requests.

32
33 **Sec. 2-4-226 Board Training**

34
35 At least once every two years, and within six months of appointment to the Board, Board
36 members shall participate in the following training:

- 37
- 38 (a) at least eight hours of training, presented by the National Association for Criminal
39 Oversight of Law Enforcement or a comparable professional organization.
- 40
- 41 (b) Training by the applicable city staff addressing the following matters:
42
- 43 i. legal and ethical obligations of members of a public board;
- 44 ii. APD policies and training, including but not limited to defensive tactical training,
45 Crisis Intervention Training, and de-escalation training;

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- 1 iii. relevant privacy rules and City policies and procedures involving liability,
2 employee discipline, and other matters related to police operations; and
- 3 iv. APD and City administrative systems, processes, structures and operations.

4
5 (c) at least two ride-along sessions with APD patrol operations per calendar year.

6
7 (d) The City and the Independent Policing Auditor/Investigator, shall provide Board
8 members with additional training, which shall include but not limited to relevant training
9 by subject matter experts on mental health, trauma-informed policing, civil rights and
10 constitutional law, race and systemic racism, community organizing and outreach,
11 mediation, investigation, and policing practices, policies, and administration.

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13
14 **Sec. 2-4-227 Board Duties**

15
16 (a) Board Readiness Resolution

- 17
18 i. Within thirty (30) days after the initial board members are appointed by the City
19 Council, the Board shall meet to establish its practices and procedures. When the
20 Board has established its procedures for how to take in Complaints, how
21 investigations will be conducted, the Memorandum of Understanding required
22 pursuant to Section 2-4-221(c) has been executed by all parties, and the board is
23 sufficiently staffed, it shall pass a Resolution indicating its readiness to take on the
24 responsibilities designated to it in this Article. No current processes for complaint
25 intake or investigations of complaints shall be transferred to the Board unless and
26 until such Resolution is adopted by the Board.

27
28 (b) Complaint Intake

- 29
30 i. The Board will develop and administer a process for receiving community complaints
31 regarding conduct of APD law enforcement officers and civilian employees and
32 referring complaints to APD or the Independent Policing Auditor/Investigator
33 depending on the nature of the complaint, for investigation. This process shall be
34 separate and distinct from any existing procedures by which the APD receives
35 community complaints as specified under Virginia Code § 9.1-600;
- 36
37 ii. Complaints filed with the Board may be submitted using a form provided by the
38 Board or may be submitted orally by a complainant. Complaints filed orally shall
39 capture the same information included in the complaint form developed by the Board.
- 40
41 iii. Information about the process for filing a complaint with the Board, complaint forms,
42 and general information about the Board and its purpose and scope shall be made
43 available online and at the office of the Independent Policing Auditor/Investigator,
44 APD, the Office of Human Rights, as well as other locations deemed effective for
45 making such forms and information widely available

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- 1 iv. Information about the process for filing a complaint with the Board, complaint forms,
2 and general information about the Board and its purpose and scope shall be made
3 readily available in English, Spanish, Amharic and Arabic and in any additional
4 language as requested by an individual looking to submit a complaint to the Board.
5
- 6 v. Complaint forms shall request information regarding the incident including, but not
7 limited to, the following:
 - 8 1) Name, address and contact information for the person filing the complaint;
 - 9 2) a statement describing the reasons for the complaint;
 - 10 3) the specific police behavior of concern;
 - 11 4) a description of the incident in which the behavior occurred; and
 - 12 5) information regarding witnesses to or persons with knowledge of the incident
13 known to the complainant, including but not limited to names, addresses, and
14 phone numbers, if known at the time the complaint is filed.
- 15 Failure to provide all information on the form by the complainant shall not render the
16 complaint unreviewable.
17 OR Add “Failure to provide all of the information on the form shall not prevent the
18 investigation from being conducted.” (Seifeldein Comment)
19
- 20 vi. Except for matters identified in subsection (d) herein, APD shall continue to
21 investigate all complaints submitted to APD or to the Board. APD shall make good
22 faith effort OR Delete “good faith effort” (Seifeldein Comment) to complete its
23 investigation of the complaint OR add “that are not under the Board’s review”
24 (Seifeldein Comment) and provide an investigation report to the Board within sixty
25 (60) days. The Board shall OR “may” (Seifeldein comment) extend the 60-day period
26 upon request of the Police Chief OR add “for good cause” (Seifeldein Comment) to
27 protect an ongoing criminal or internal administrative investigation, while an
28 employee filed grievance is ongoing under City Administrative Regulation 6-21, the
29 Law Enforcement Officers Procedural Guarantee Act codified under Code of Virginia
30 Title 9.1, or in a court of law, or for other good cause, with notice to the complainant
31 and city council. OR Delete everything after the addition of “for good cause”
32 (Seifeldein Comment)
33
- 34 vii. This process shall be separate and distinct from any existing procedures by which the
35 APD receives community complaints as specified under Virginia Code § 9.1-600;

36
37 (c) Board Review of APD Investigations
38

- 39 i. Other than the matters assigned to the Board for investigation in (d) below, the Board
40 may review all investigations conducted by APD Office of External Affairs and
41 Professional Responsibility (OEAPR) regarding conduct of APD law enforcement
42 officers and civilian employees, whether received by the APD or the Board, to ensure
43 their thoroughness, completeness, accuracy, objectivity, and impartiality the
44 sufficiency of any discipline resulting from such investigations. The Board may
45 consider reducing the review to only a selected number of investigations or

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1 investigations of a certain nature based on criteria to be articulated by the Board and
2 set forth in writing.

3
4 ii. After completing an investigation review including a public hearing, the Board may
5 reach one of the following findings:

6
7 1) concur with all or some of the findings and determinations detailed in the
8 investigation report;

9
10 2) advise city council, the city manager, and the APD that the findings are not
11 supported by the information reasonably available to the APD and recommend
12 further review and consideration by the police chief; or

13
14 3) advise city council, the city manager, and the APD that, in the Board’s judgment,
15 the investigation is incomplete and recommend additional investigation.

16
17 **OR Add**
18 4) advise city council, the city manager, the APD, and the community that, in the
19 Board’s judgment, the findings are erroneous, contrary to the evidence.
20 (Seifeldein Comment)

21
22 **Seifeldein Comment: add additional options for board action.**

23
24 (d) Board Investigation of Complaints and Incidents

25
26 i. Investigations of the following incidents, whether they come in as a complaint or
27 not, shall be conducted by the Independent Policing Auditor/Investigator on
28 behalf of the Board:

29
30 1) “Incidents resulting in death” including any incident which results in death of any
31 person involved in the incident.

32
33 2) “Use of Force” incidents, defined as the application of force sufficient to (i)
34 create a substantial **OR change “substantial” to “reasonable” (Seifeldein**
35 **Comment)** risk of death, (ii) cause serious and protracted disfigurement, or (iii)
36 result in impairment of the function of any bodily organ or limb. It includes
37 incidents in which a police officer deploys a striking implement, Taser or similar
38 device, oleoresin capsicum (pepper) spray or other chemical irritant, less lethal
39 weapon or a firearm or is applied using hands or any other part of the body.

40
41 3) “Severe misconduct” defined as dereliction of duty or unlawful or improper
42 behavior which shall include the following offenses listed in AR 6-20, as the same
43 may be amended from time to time:

44 a. Willfully or negligently damaging, defacing or destroying City records,
45 City property, tools or equipment, or the property of another employee.

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- 1 b. Theft, misappropriation or unauthorized removal of City records, or of
2 public property or of property belonging to another City employee.
- 3 c. Violating safety rules or the Virginia Traffic Code where such a violation
4 poses a threat to life.
- 5 d. Threatening or intimidating subordinates, fellow employees, supervisors
6 or members of the public.
- 7 e. Willful or serious neglect in the performance of assigned duties or in the
8 care, use, or custody of any City property.
- 9 f. Criminal or other misconduct occurring on or off the job which is related
10 to job performance or is of such a nature that to continue the employee in
11 the assigned position or in any City employment capacity would constitute
12 negligence in regard to the City's duties to the public or to other City
13 employees.
- 14 g. In any matter within the jurisdiction of any officer, department or agency
15 of the City: (a) the knowing falsification, concealment or cover-up of a
16 material fact, and/or (b) the knowing making of any false, fictitious or
17 fraudulent statement or representation, and/or (c) the making or using of
18 any writing or document knowing the same to contain a false, fictitious or
19 fraudulent statement or entry.
- 20 h. Sexual conduct, even consensual conduct, on the job.
- 21 i. Verbal or other conduct regarding an individual or group that maligns or
22 shows hostility for the individual or group because of race, color, religion,
23 gender, national origin, age, disability, or sexual orientation.
- 24 ii. If, after making a good faith effort to obtain, voluntarily, the attendance of
25 witnesses and the production of books, papers, and other evidence necessary to
26 perform its duties, the Board is unable to obtain such attendance or production,
27 the board by majority vote **OR delete “the board by majority vote” (Seifeldein**
28 **comment) may direct OR delete “may direct” (Seifeldein Comment) the**
29 Independent Policing Auditor/Investigator, on behalf of the Board, to **OR delete**
30 **“to” and add “shall” (Seifeldein Comment) apply to the Alexandria circuit court**
31 for a subpoena compelling the attendance of such witness or the production of
32 such books, papers, and other evidence, and the court may, upon good cause
33 shown, cause the subpoena to be issued. Any person so subpoenaed may apply to
34 the court that issued such subpoena to quash it. **OR Delete last sentence**
35 **(Seifeldein comment)**
36 **OR Add if the law allows for it, if a Board or the investigator is an active member**
37 **of the bar, they can issue an attorney-issues subpoena (Seifeldein comment)**
38 iii. At the conclusion of the investigation, the Independent Policing
39 Auditor/Investigator shall forward the file with a report of investigation to the
40 Board. The Board shall hold at least one public hearing on the investigation. At
41 42 43

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1 the conclusion of the public hearing, the Board may take one of the following
2 actions:

- 3
- 4 1) Dismiss the complaint if, based on the file and report of investigation, it
5 determines that the complaint lacks merit or the incidents was justified;
 - 6
 - 7 2) Refer the complaint to the Commonwealth Attorney for the City of Alexandria;
8 and
 - 9
 - 10 3) Recommend disciplinary action to be taken by the Chief of Police in accordance
11 with the City’s disciplinary process.

12 Seifeldein Comment: Add more options for action by the board.

- 13
- 14 iv. If the APD declines to implement the discipline recommended by the Board, the
15 Chief of Police shall, within 30 days of the Board’s recommendation, create a
16 written record, which shall be made available to city council, the city manager,
17 and the public, of its rationale for declining to implement the recommendation of
18 the Board.

19
20 (e) Board Policy Recommendations

- 21
- 22 i. The Board shall have the following duties regarding review of police policy and
23 procedure:
 - 24 1) review and evaluate existing and proposed APD administrative directives,
25 including all rules, policies, and procedures which direct the operation of the
26 APD and its employees;
 - 27
 - 28 2) review and evaluate reports issued and data collected by the APD related to
29 policing practices, policies, procedures, and outcomes;
 - 30
 - 31 3) receive, review and evaluate the annual budget and expenditures of the APD
32 and make budgetary recommendations;
 - 33
 - 34 4) advise city council on the hiring and annual evaluation of the Independent
35 Policing Auditor/Investigator;
 - 36
 - 37
 - 38 5) produce public reports regarding the work of the Board and disseminate such
39 reports in hardcopy and online, including, but not limited to, a written report
40 to the City Council by September 1 of each fiscal year of its activities for the
41 prior fiscal year under the provisions of this chapter along with any comments
42 and recommendations as it may choose to make;
 - 43 6) recommend legislation, policy changes and other actions related to review and
44 evaluation conducted by the Board to the city council, city manager, APD,
45 school board, school superintendent, and other public agencies;
 - 46

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- 1 7) conduct community outreach in the city related to the review and reform of
- 2 policing practices, policies and procedures in Alexandria and the work of the
- 3 Board; and
- 4
- 5 8) undertake any other duties as reasonably necessary for the Board to effectuate
- 6 its lawful purpose to effectively review the policing agencies as authorized by
- 7 the city.
- 8
- 9 ii. The Board may recommend policies or procedures to city council, the city
- 10 manager and the APD concerning police practices, policies and procedures. The
- 11 Board shall present in writing its findings, and recommendations with supporting
- 12 rationale to city council, the city manager and the APD within thirty days from
- 13 the date the Board adopted the recommendations.
- 14
- 15 a. The Board’s recommendations shall be included in any public reports issued
- 16 by the Board, including hardcopy and online.
- 17
- 18 b. If the APD declines to implement any changes recommended by the Board,
- 19 the Chief of Police shall, within 30 days of the Board’s recommendation,
- 20 create a written record, which shall be made available to city council, the city
- 21 manager, and the public, of its rationale for declining to implement the
- 22 recommendation of the Board.
- 23

24 **Sec. 2-4-228 Compliance with Federal, State Law and City Policy**

- 25
- 26 (a) The Board and each member shall comply with all applicable Federal, State, and Local
- 27 law and City Policies.
- 28
- 29 (b) In the event of any conflict between the exercise of the Board’s authority and the City’s
- 30 adopted Administrative Regulations, the City’s Administrative Regulations shall govern,
- 31 unless otherwise expressly provided in this Article. **OR Delete this section. Seifeldein**
- 32 **comment)**
- 33
- 34 (c) All original records provided to the Board by APD shall remain official APD records and
- 35 the permissibility of their release shall be determined by APD in consultation with the
- 36 City Attorney’s office, pursuant to applicable law. **OR delete this section (Seifeldein**
- 37 **comment)**
- 38

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

- 40
- 41 (a) The Board shall not consider claims or issues involving the following:
- 42
- 43 i. Complaints involving any incident that occurred prior to June 9, 2020 **OR 2019**
- 44 **(Seifeldein Comment)**, the date that city council determined to establish the
- 45 Community Policing Review Board.

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- 1 ii. Complaints involving any incident that occurred more than six months **OR change 6**
2 **months to the civil laws statute of limitation—usually 2 years (Seifeldein Comment)**
3 **before** the filing of the complaint with the Community Policing Review Board or the
4 APD;
- 5 iii. Any financial management, or procurement decisions made by APD, or any
6 individual hiring, assignment and promotional decisions made by the APD;
- 7 iv. Complaints concerning matters that are the subject of an active investigation
8 coordinated with the Commonwealth’s Attorney, a pending criminal proceeding in
9 any trial court, any pending criminal proceeding, a pending or anticipated civil **OR**
10 **Delete “a pending or anticipated civil trial” (Seifeldein Comment)** proceeding in any
11 trial court (as evidenced by a Notice of Claim or filed complaint), or any complaints
12 from city employees that are subject to established employee grievance processes
13 until such time that the other investigation is complete **(Seifeldein Comment: see**
14 **comments above re criminal investigation);** and
- 15 v. Any other claim outside the scope of the Board’s authority as determined by this
16 Article or applicable State Law.
17 **OR delete 2-4-229 (Seifeldein Comment)**

18
19 **Sec. 2.4-230 Review of Community Policing Review Ordinance**

- 20 (a) The city manager in consultation with the Board, Independent Policing
21 Auditor/Investigator, community stakeholders, APD and APD employees shall have
22 conducted and submitted to city council by April 1, 2023 a review of this ordinance, its
23 effectiveness, with recommendations for improvements. **OR Add “The Board shall**
24 **submit its own supplemental report to Council about its effectiveness, with**
25 **recommendations for improvement” (Seifeldein Comment)**
26

27 Section 2. That Article A of Chapter 1 of Title 4 of the Code of the City of Alexandria, Virginia,
28 1981, as amended, be, and the same hereby is, amended by adding new Sections 4-1-5 and 4-1-6,
29 as follows:

30 **Sec. 4-1-5 Independent Policing Auditor/Investigator**

31
32 City Council shall appoint an Independent Policing Auditor/Investigator with the terms and
33 conditions of such appointment set forth in an employment agreement. The Independent
34 Policing Auditor/Investigator shall serve at the pleasure of City Council. The Independent
35 Policing Auditor/Investigator shall be provided office space by the City, but such office space
36 shall not be housed in any Alexandria Police Department facility **OR add “or on the same floor**
37 **as the City Manager’s office” (Seifeldein Comment)**
38

39 **Sec 4-1-6 Independent Policing Auditor/Investigator Duties and Responsibilities**

40
41 The Independent Policing Auditor/Investigator shall:

- 42 (a) provide the necessary administrative and policy support for the Community Policing
43 Review Board, as well as assist the Board with achieving its purpose and in carrying out
44 its scope;
- 45 (b) have authority to hire and supervise and make employment decisions regarding the

Note: Comments in Red are presented by Councilman Seifeldin and will be considered by City Council

- 1 Independent Policing Auditor/Investigator’s staff within existing City Human Resources
- 2 systems and City Administrative Regulations;
- 3 (c) be responsible for the independent review of Alexandria Police Department current or
- 4 proposed policing practices, rules, policies, procedures, directives and outcomes and
- 5 present findings of such reviews and any resulting recommendations to the Board;
- 6 (d) perform a quality assurance function with the goal of identifying systematic changes that
- 7 will improve police services to the community;
- 8 (e) create and manage a community complaint and case tracking system;
- 9 (f) conduct investigations of incidents regarding the matters assigned by the 2-4-227 of the
- 10 City Code to the Board for investigation;
- 11 (g) review completed investigations by the Alexandria Police Department Office of External
- 12 Affairs and Professional Responsibility.
- 13 (h) review of any disciplinary actions taken that may arise as a result of investigations
- 14 conducted by the APD; and
- 15 (i) have full access to unredacted Alexandria Police Department reports, files and records,
- 16 including disciplinary records, related to completed reviews of complaints filed with the
- 17 Board or with the Department, as well as related to and completed reviews of uses of
- 18 force by the Department.
- 19 (j) Maintain the confidentiality of such disciplinary records and criminal investigative files
- 20 as well as any statement of a police officer of APD employee who was required by APD
- 21 to give a statement. Such information may be shared with the Board.

22
23 Section 3. That Title 2, Chapter 4 as amended pursuant to Section 1 of this ordinance and Title
24 4, Chapter 1 as amended pursuant to Section 2 of this ordinance, be, and the same hereby are,
25 reordained as part of the City of Alexandria City Code.

26
27 Section 3. That the provisions of this ordinance shall become effective July 1, 2021.

28
29 JUSTIN WILSON
30 Mayor

- 31 Introduction:
- 32 First Reading:
- 33 Publication:
- 34 Public Hearing:
- 35 Second Reading:
- 36 Final Passage: