

ORDINANCE NO. \_\_\_\_\_

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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, “Community Policing Review Board,” as follows:

ARTICLE AA – COMMUNITY POLICING REVIEW BOARD

**Sec. 2-4-#### Community Policing Review Board**

- (a) There is hereby established a commission to be known as the 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-#### Board Purpose and Scope**

- (a) The purpose of the Board is to enhance policing legitimacy and to increase and maintain public trust among the police department, city council, city manager and the public. The Board will: provide timely, fair and objective review and evaluation of policing policies, practices, procedures, and outcomes in Alexandria; provide meaningful assessments and corrective recommendations intended to remedy discriminatory practices, including race 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 review and evaluate policing practices, policies, procedures, and outcomes in Alexandria, issue findings, and provide actionable, advisory recommendations to the city council, the city manager, the school board, the school superintendent, the Alexandria Police Department (APD) and other public agencies regarding policing practices, policies and procedures in Alexandria. The Board is hereby authorized to perform the following duties:
  - i. develop and administer a process for receiving and referring to APD for investigation civilian complaints regarding conduct of APD law enforcement officers and civilian employees. This process shall be separate and distinct from any existing procedures by which the APD receives civilian complaints as specified under Virginia Code § 9.1-600;

- 1           ii. review and evaluate the investigation of civilian complaints regarding conduct of
- 2           APD law enforcement officers and civilian employees received by the Board and
- 3           submitted to the APD for investigation;
- 4           iii. review and evaluate the investigations of APD use of force, whether or not a
- 5           civilian complaint has been filed, including officer-involved shootings, use of
- 6           electronic weapons and other uses of force, all in-custody deaths and all police
- 7           actions that result in the death of a person;
- 8           iv. review and evaluate completed APD Office of External Affairs and Professional
- 9           Responsibility (OEAPR) investigations of civilian complaints and use of force
- 10          incidents and issue findings regarding the accuracy, completeness, and
- 11          impartiality of such investigations and the sufficiency of any discipline resulting
- 12          from such investigations;
- 13          v. review and evaluate existing and proposed APD Directives, including all rules,
- 14          policies, and procedures which direct the operation of the APD and its employees;
- 15          vi. review and evaluate reports issued and data collected by the APD related to
- 16          policing practices, policies, procedures, and outcomes;
- 17          vii. receive, review and evaluate the annual budget and expenditures of the APD and
- 18          make budgetary recommendations;
- 19          viii. advise city council on the hiring and annual evaluation of the Independent
- 20          Policing Auditor;
- 21          ix. produce public reports regarding the work of the Board and disseminate such
- 22          reports in hardcopy and online, including, but not limited to, a written report to
- 23          the City Council by September 1 of each fiscal year of its activities for the prior
- 24          fiscal year under the provisions of this chapter along with any comments and
- 25          recommendations as it may choose to make;
- 26          x. recommend legislation, policy changes and other actions related to review and
- 27          evaluation conducted by the Board to the city council, city manager, APD, school
- 28          board, school superintendent, and other public agencies;
- 29          xi. conduct community outreach in the city related to the review and reform of
- 30          policing practices, policies and procedures in Alexandria and the work of the
- 31          Board; and
- 32          xii. undertake any other duties as reasonably necessary for the Board to effectuate its
- 33          lawful purpose to effectively review the policing agencies as authorized by the
- 34          city.

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36       (c) In order to carry out its scope and authorized functions and to define in more detail the

37       process and terms articulated in its scope, the Board shall enter into a memorandum of

38       understanding (“MOU”) with the APD and signed by the police chief and the city

39       manager, that states the Board’s policies and procedures and defines the terms of their

40       relationships and mutual obligations. With regard to officer-involved shootings, the

41       Board shall be authorized to enter into a MOU with the Virginia State Police or any entity

42       that conducts an independent investigation of an officer-involved shooting, conducts a

43       review of the incident, and issue reports and recommendations when there is an APD

44       officer-involved shooting. The Board is authorized to negotiate the provisions of these

45       MOUs, assisted by the city council appointed Independent Policing Auditor, and the City

1 Attorney’s Office. If a provision of these MOUs conflicts with a provision of this  
2 enabling ordinance, the provision of the enabling ordinance shall govern.  
3

4 (d) All records, documents and materials requested by the Board necessary to carry out its  
5 scope and authorized functions shall be provided in unredacted form. If such documents  
6 contain confidential information authorized to remain confidential pursuant to the  
7 Virginia Freedom of Information Act, the information may be reviewed in closed session  
8 of the Board in order to retain the confidentiality.  
9

10 (e) The Board, assisted by the Independent Policing Auditor, is authorized to develop and  
11 implement its own bylaws, administrative systems, and operating policies and  
12 procedures, consistent with existing federal and state law, state regulation, and this  
13 enabling ordinance. Such bylaws shall be subject to public notice and public hearing  
14 before adoption by the Board and would become effective upon adoption by City  
15 Council.  
16

17 (f) In order to carry out its duties the Board and Office of the Independent Policing Auditor  
18 shall be provided an annual budget and appropriation by City Council, and shall expend  
19 the funds provided consistent with:  
20

- 21 i. the purposes and scope of the Board and of the Office of the Independent Policing
- 22 Auditor;
- 23 ii. the MOU with the APD required herein;
- 24 iii. the budget and appropriation approved by City Council; and
- 25 iv. city procurement and expenditure regulations and practices.  
26

27 (g) The Board, through the Independent Policing Auditor shall be provided full access to all  
28 APD reports, files and records related to the Board’s review of complaints filed with the  
29 Board or with APD, as well as uses of force by APD.  
30

31 **Sec. 2-4-##### Board Member Requirements and Term of Office**  
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33 (a) The Board shall be composed of seven voting members appointed by the City Council,  
34 which shall endeavor to create a fair, objective, independent, diverse, and representative  
35 body.  
36

37 (b) The seven voting members of the Board shall be residents of the City of Alexandria and  
38 shall demonstrate fairness, integrity and objectivity and will be chosen on the basis of  
39 expertise and experience relevant to the performance of the duties of the Board. City  
40 Council shall appoint voting members who are representatives of the following groups  
41 (though one member may be representative of more than one group):  
42

- 43 i. at least three members who come from historically racially or socially
- 44 marginalized communities that have commonly experienced disparate policing in
- 45 Alexandria;

- 1           ii.    at least one member who represents an organization, office, or agency that seeks
- 2                    racial or social justice or that otherwise advocates on behalf of historically,
- 3                    racially or socially marginalized communities, particularly communities that may
- 4                    have experienced disparate policing; and
- 5           iii.    at least one member with past experience in law enforcement, criminal justice or
- 6                    policing but who may not be a current employee of, or immediate family member
- 7                    of an employee of, a law enforcement agency.

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9           (c) No Board member shall be a current candidate for elected public office or hold an elected

10                  public office.

11

12           (d) Except as to the inaugural Board, members shall be appointed for terms of three-years

13                  each, which shall expire as of May 31. Board members’ terms shall be staggered. To that

14                  end, the City Council shall appoint three voting members of the inaugural board to 18-

15                  month terms and four voting members to three-year terms. A Board member may be

16                  appointed to no more than two consecutive three-year terms.

17

18           (e) The Board procedures shall comply with Section 2-4-1 et seq of the City Code except as

19                  has been modified by this Chapter.

20

21   **Sec. 2-4-#### Conflicts of Interest and Confidentiality**

22

23           (a) The Board and each member shall comply with the Virginia State and Local Government

24                  Conflict of Interests Act under Virginia Code §§ 2.2-3100 through 2.2-3131.

25

26           (b) To the extent allowed under the Virginia Freedom of Information Act, each member shall

27                  maintain the confidentiality of all confidential or privileged information, including but

28                  not limited to:

- 29                  i.    disciplinary actions, memos and reports that the member receives during service
- 30                          on the Board.
- 31                  ii.   statements of a police officer, or APD employee, who was required by APD to
- 32                          give a statement.

33

34           (c) No voting member shall be a current City employee, a current candidate for public office,

35                  a former employee of APD, an immediate family member of a current or former APD

36                  employee, a current APD employee, or a current employee of a law enforcement agency.

37

38   **Sec. 2-4-#### Quorum, Voting, and Meetings**

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40           (a) The Board shall meet as often as necessary to conduct its business, but no less frequently

41                  than four times per calendar year.

42

43           (b) Meetings of the Board shall comply in all respects with the meeting regulations of the

44                  Virginia Freedom of Information Act including being open to the public except under

45                  circumstances when the topic is authorized by the law to be discussed in closed session

1 (c) To take any action, a quorum of at least five out of seven voting members must be  
2 present.

3  
4 (d) The Board shall keep minutes of its Board Meetings, and those minutes shall include:  
5 i. the date, time, and location of each meeting;  
6 ii. the members present and absent;  
7 iii. a summary of the discussion on matters proposed, deliberated, or decided; and  
8 iv. a record of any votes taken.  
9

10 (e) The Board meeting minutes are public records and subject to inspection pursuant to the  
11 Virginia Freedom of Information Act.  
12

13 **Sec. 2-4-#### Support of Board**

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15 (a) Board Staff

- 16 i. The city council appointed Independent Policing Auditor shall be assigned to staff  
17 the Board and coordinate the Board’s administrative functions.
- 18 ii. The City Attorney, or its designee, shall serve as legal advisor to the Board. As to  
19 a particular matter, and in the event that there is a conflict of interest that  
20 precludes effective representation by the City Attorney’s Office, the City shall  
21 retain outside counsel to advise the Board.  
22

23 (b) Other Support from the City

- 24 i. A website shall be established for the Board hosted on the City’s website. The Board  
25 shall control what is posted on the Board’s website to the extent it complies with all  
26 applicable Federal, State and local laws.
- 27 ii. All public meetings of the Board shall be videotaped and made available to the public  
28 on the City’s website.
- 29 iii. The City shall not interfere unreasonably with the Board’s decisions, assisted by the  
30 Independent Policing Auditor, to post materials to or remove materials from the  
31 Board’s website.
- 32 iv. Board members shall be provided with a City email address to be used exclusively for  
33 Board-related matters.
- 34 v. The City, including all city departments, boards, commissions, and staff shall  
35 endeavor to cooperate with and assist the Board, and shall comply with, or  
36 expeditiously provide a reason for rejecting, all reasonable Board requests.

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38 **Sec. 2-4-#### Board Training**

39 At least once every two years, and within six months of Board appointments, Board members  
40 shall participate in the following training:

- 41 (a) at least eight hours of training, presented by the National Association for Criminal  
42 Oversight of Law Enforcement or a comparable professional organization.  
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- 45 (b) Training by the applicable city staff addressing the following matters:

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- i. legal and ethical obligations of members of a public board;
- ii. APD policies and training, including but not limited to defensive tactical training, Crisis Intervention Training, and de-escalation training;
- iii. relevant privacy rules and City policies and procedures involving liability, employee discipline, and other matters related to police operations; and
- iv. APD and City administrative systems, processes, structures and operations.

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

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

**Sec. 2-4-#### Complaint Process and Standard of Review**

(a) Complaints

- i. The Board will develop and administer a process for receiving and referring to APD for investigation civilian complaints regarding conduct of APD law enforcement officers and civilian employees. This process shall be separate and distinct from any existing procedures by which the APD receives civilian complaints as specified under Virginia Code § 9.1-600;
- ii. The Board shall accept complaints regarding the conduct of the Alexandria Police Department, police officers in the agency, or civilian employees of the police department.
- iii. Complaints filed with the Board may be submitted using a form provided by the Board or may be submitted orally by a complainant. Complaints filed orally shall capture the same information included in the complaint form developed by the Board.
- iv. Information about the process for filing a complaint with the Board, complaint forms, and general information about the Board and its purpose and scope shall be made available online and at the office of the Independent Policing Auditor, APD, the Office of Human Rights, as well as other locations deemed effective for making such forms and information widely available
- v. Information about the process for filing a complaint with the Board, complaint forms, and general information about the Board and its purpose and scope shall be made readily available in English, Spanish, Amharic and Arabic and in any additional language as requested by an individual looking to submit a complaint to the Board.

- 1 vi. Complaint forms shall request information regarding the incident including, but not  
2 limited to:  
3 1) identifying information for the person filing the complaint;  
4 2) a statement describing the reasons for the complaint;  
5 3) the specific police behavior of concern;  
6 4) a description of the incident in which the behavior occurred; and  
7 5) information regarding witnesses to or persons with knowledge of the incident  
8 known to the complainant, including but not limited to names, addresses, and  
9 phone numbers.
- 10
- 11 vii. The Board shall immediately forward the complaint to APD for investigation. Filing a  
12 complaint with the Board does not preclude an individual from filing a complaint  
13 directly with the police department as specified under Virginia Code § 9.1-600.  
14
- 15 viii. APD shall seek to complete its investigation of the complaint and provide an  
16 investigation report to the Board within sixty (60) days. The Board shall extend the  
17 60-day period upon request of the Police Chief to protect an ongoing criminal or  
18 internal administrative investigation, while an employee filed grievance is ongoing  
19 under City Administrative Regulation 6-21, the Law Enforcement Officers Procedural  
20 Guarantee Act codified under Code of Virginia Title 9.1, or in a court of law, or for  
21 other good cause, with notice to the complainant and city council.  
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23  
24 (b) Standard of Review  
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- 26 i. The Board may review all investigations of complaints to ensure their thoroughness,  
27 completeness, accuracy, objectivity, and impartiality. The Board may consider  
28 reducing the review to only a selected number of complaints; however, it shall review  
29 every investigation involving use of force, including officer-involved shootings and  
30 the use of electronic weapons, all in-custody deaths and all police actions that result  
31 in the death of a person,  
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- 33 ii. The Board's authority to review investigations includes but is not limited to:  
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35 1) deliberate application of or use of unnecessary, unreasonable, or excessive  
36 physical force;  
37 2) using or brandishing of firearms, electric weapon or device or other weapon in a  
38 rude, careless, angry, or threatening manner not necessary for self-defense;  
39 3) an unjustified use or display of force or unnecessary escalation of charges;  
40 4) theft or improper handling of personal property; the use of abusive racial, ethnic  
41 or sexual language or gestures;  
42 5) harassment or discrimination based on race, color, sex, religion, ancestry, national  
43 origin, marital status, familial status, age, sexual orientation, gender identity,  
44 transgender status, or disability;  
45 6) acting in a rude, careless, angry, retaliatory or threatening manner not necessary  
46 for self-defense;

- 7) reckless endangerment of a bystander, detainee or person in custody;
- 8) death or serious injury to any person held in custody;
- 9) violation of laws or ordinances;
- 10) solicitation of sexual acts, favors, or quid pro quo exchanges;
- 11) or other serious violations of APD policies or procedures.

**Sec. 2-4-##### Board Findings and Recommendations**

(a) After completing an investigation review, the Board may reach one of the following findings:

- i. concur with all or some of the findings and determination detailed in the investigation report;
- ii. advise city council, the city manager, and the APD that the findings are not supported by the information reasonably available to the APD and recommend further review and consideration by the police chief; or
- iii. advise city council, the city manager, and the police department that, in the Board’s judgment, the investigation is incomplete and recommend additional investigation.

(b) Board Recommendations

- i. The Board may recommend policies or procedures to city council, the city manager and the police department concerning police practices, policies and procedures. The Board shall present in writing its findings, and recommendations with supporting rationale to city council, the city manager and the APD within thirty days from the date the Board adopted the recommendations.
- ii. The Board’s recommendations shall be included in any public reports issued by the Board, including hardcopy and online.
- iii. If the APD declines to implement any recommended changes from the board, the department is required to create a written record, which shall be made available to city council, the city manager, and the public, of its rationale for declining to implement any recommendation of the Board within thirty days from the date the Board reports its recommendation to the city council, the city manager and APD.

**Sec. 2-4-##### Compliance with State Law and City Policy**

(a) The Board and each member shall comply with all Virginia laws, including, but not limited to, Virginia Freedom of Information Act (VFOIA), the Virginia State and Local Government Conflict of Interests Act under Virginia Code §§ 2.2-3100 through 2.2-3131, as amended, the Law-Enforcement Officers Procedural Guarantee Act codified under Code of Virginia Title 9.1, all other City ordinances, and with all City policies concerning the activities of its boards, authorities, and commissions.



(b) The Board’s authority shall not override the City’s Administrative Regulation 6-21, Grievance Procedures.

**Sec. 2-4-#### Exclusions**

(a) The Board shall not consider claims or issues involving the following:

- i. Complaints involving any incident that occurred prior to June 9, 2020, the date that city council determined to establish the Community Policing Review Board.
- ii. Complaints involving any incident that occurred more than six months before the filing of the complaint with the Community Policing Review Board;
- iii. Any financial management, or procurement decisions made by APD, or and individual hiring, assignment and promotional decisions made by the APD;
- iv. Complaint concerning matters that are the subject of an active investigation coordinated with the Commonwealth’s Attorney, a pending criminal proceeding in any trial court, a pending or anticipated civil proceeding in any trial court (as evidenced by a Notice of Claim or filed complaint), or any administrative proceeding; or any complaints from city employees that are subject to established employee grievance processes; and
- v. Any other claim outside the scope of the Board’s authority.

**Sec. 2.4-### Review of Community Policing Review Ordinance**

(a) The city manager in consultation with the Board, Independent Policing Auditor, community stakeholders, APD and APD employees shall have conducted and submitted to city council by April 1, 2023 a review of this ordinance, its effectiveness, with recommendations for improvements.

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

**Sec. 4-1-5 Independent Policing Auditor**

City Council shall appoint an Independent Policing Auditor with the terms and conditions of such appointment set forth in an employment agreement. The Independent Policing Auditor shall serve at the pleasure of City Council. The Independent Policing Auditor shall be provided office space by the City, but such office space shall not be housed in any Alexandria Police Department facility.

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

The Independent Policing Auditor shall:

- (a) provide the necessary administrative and policy support for the Community Policing Review Board, as well as assist the Board with achieving its purpose and in carrying out its scope;
- (b) have authority to hire and supervise and make employment decisions regarding the Auditor’s staff within existing City Human Resources systems and City Administrative

- 1 Regulations;
- 2 (c) be responsible for the independent review of Alexandria Police Department current or
- 3 proposed policing practices, rules, policies, procedures, directives and outcomes and
- 4 present findings of such reviews and any resulting recommendations to the Board;
- 5 (d) perform a quality assurance function with the goal of identifying systematic changes that
- 6 will improve police services to the community;
- 7 (e) create and manage a civilian complaint and case tracking system;
- 8 (f) provide advice to APD during APD’s investigation of civilian complaints of APD law
- 9 enforcement officers and civilian employees, as well in regard investigations of use of
- 10 force incidents;
- 11 (g) review completed investigations of civilian complaints and use of force by the Alexandria
- 12 Police Department Office of External Affairs and Professional Responsibility.
- 13 (h) review completed investigations of officer involved shootings by the Virginia State
- 14 Police or other entity;
- 15 (i) review of any disciplinary actions taken that may arise as a result of investigations in (g)
- 16 and (h) above; and
- 17 (j) have full access to unredacted Alexandria Police Department reports, files and records,
- 18 including disciplinary records, related to completed reviews of complaints filed with the
- 19 Board or with the Department, as well as related to and completed reviews of uses of
- 20 force by the Department.
- 21 (k) Maintain the confidentiality of such disciplinary records as well as any statement of a
- 22 police officer of APD employee who was required by APD to give a statement. Such
- 23 information may be shared with the Board.

24

25 Section 3. That Title 2, Chapter 4 as amended pursuant to Section 1 of this ordinance and Title

26 4, Chapter 1 as amended pursuant to Section 2 of this ordinance, be, and the same hereby are,

27 reordained as part of the City of Alexandria City Code.

28

29 Section 3. That the provisions of this ordinance shall become effective immediately.

30

31 JUSTIN WILSON

32 Mayor

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- 34 Introduction:
  - 35 First Reading:
  - 36 Publication:
  - 37 Public Hearing:
  - 38 Second Reading:
  - 39 Final Passage:
- 40