

Independent Oversight and Investigations Subcommittee

I. Review current Fairfax County policies and practices on investigation of police involved shootings and use of deadly force, as well as critical incident response situations, including review of FCPD Internal Affairs Division policies and practices.

A. Policy on commencement of Internal Affairs investigation only after criminal process has ended.

B. Policy on not interviewing officers involved in a shooting until two days after the event.

C. Policy on FCPD responses to citizen complaints regarding use of force and allegations of misconduct.

D. Should there be a study of the community's attitudes toward the police force, perhaps with the help of George Mason University personnel (assuming no such study exists). If such a study exists, the results should be provided to this subcommittee.

II. Review of "best practices" for investigations of serious police-involved use of force and critical incident response situations to ensure transparency and accountability, including:

A. Review of "best practices" by police departments that are similar in size and demographics, and to the extent possible that can be determined, have a similar number of police involved shootings/use of deadly force.

B. Models different from current Fairfax County practice and procedures.

1. Independent auditor with citizen/public involvement.

2. Retention by the prosecutors of an independent investigator.

C. The use of an independent special prosecutor and/or investigative body in other jurisdictions and when such a prosecutor and/or investigator is used.

D. Review by the Fairfax County Board of Supervisors of police involved shootings and use of deadly force.

III. Review of citizen oversight boards in other jurisdictions of similar size and demographics to evaluate whether such a board should be established in Fairfax Country, including:

A. Should this review board be comprised of police officers and citizens to timely review all officer involved shootings and other serious incidents to identify and address as needed any administrative, supervisory, training, tactical or policy issues.

B. What conduct should such a board investigate (e.g., allegations of police abuse, misconduct, negligence, etc.)?

C. What investigative powers should such a board have (e.g., subpoena power, ability to interview individuals involved and witnesses)?

D. To which authority should such a board report (e.g., the Chief of Police and/or the Board of Supervisors)?

E. What weight (binding or advisory) should such a board's findings and recommendations have (e.g., recommendations as to discipline, and changes to policy and practice changes)?

F. What would the estimated annual costs be of such a board that would conduct these independent reviews and investigations?

IV. Based on the review of existing FCPD policies and practices and a review of the policies and practices of other jurisdictions and the cited and other resources, develop proposed recommendations for changes and/or next steps to the Board of Supervisors for consideration by the Commission.