

Statement of Mary Tracy, 2004 Bedford Lane, Alexandria, va (703-660-9363), 5/18/15

I am here because I believe our Police Department is not quite the poster child that our leaders would have us believe, and to offer suggestions.

We may not have riots in the streets, but even among our remarkably oblivious population there is a growing perception that the Police Department leadership is arrogant and out of touch, more concerned with protecting the backs of their officers than honoring their oath to serve, protect, and be accountable to the citizens they work for.

Contrary to claims that the problems emerged primarily because of delays in investigating the John Geer case, concerns about police excesses, lack of transparency, accountability, and failure to respond to citizen complaints have been festering for years.

Inexplicably, for half a decade our elected leaders have refused to address the question of an independent civilian oversight board—now in place in the majority of large cities and counties. Establishment of such a body could go a long way toward rebuilding the public's trust.

Although the documents on the Commission's website provide some useful information and ideas, it's disturbing that, two months after the commission was formed, Commissioners are still awaiting key information from the Police Department. Without this information, Commissioners will have little solid knowledge on which to make recommendations.

I urge the Commission to give priority to the following

- Body cams. The President's commission has called for body cams, and body cams are now recognized as key to declines in use of force, and use of force complaints. There are reasonable limits that can be imposed on retention of videos. As pointed out by a senior analyst at the American Civil Liberties Union two years ago, all parties stand to benefit. The public is protected from police misconduct, and officers are protected from bogus complaints. (NYT, April 6, 2013)

-- Citizen complaint process: I am personally aware of at least four complaints of less-than-lethal force that have never been acknowledged or had responses. There seems to be nothing in the General Orders that ensures that higher-ups are informed if complaints are ignored. (a citizen's oversight group could be important in addressing such complaints. In the District, complainants have the option to have their complaints handled by the Police Dept or by the oversight bd..)

-- Prohibition of quotas for arrests. (see President's Commission report) I first learned that Fairfax County was using quotas from an acquaintance who had been told by a judge that there was a competition between squads for arrests. That was confirmed by other sources, and just a few months ago, I heard an officer at a public meeting mention that he hadn't met his quota. The Washington Post exposed the practice in the Sully District last year, and Chief Roessler said he had issued an order prohibiting the practice, but we have no way of knowing whether this is department policy.

--IA timeline. The Department's position that IA investigations do not begin "until after a prosecutorial decision has been made to avoid any risk of a claim that the criminal prosecution was tainted by the misuse of compelled statements" should be challenged.

As anyone who has served in Intelligence knows, loose lips sink ships, and leaking IA investigation information to CI could result in a criminal indictment of the leaker. Several of the DOJ reports have flagged such delays as inappropriate..

-- DOJ recommendations have called for completing IA investigations within 30 days. In the case of the recently released information on the Masters case, it will be important to understand how this investigation could have taken 17 months from January 2010 until it was announced in June 2011 that the officer was "no longer with us". The timeline of the Masters case raises some important questions about police procedures and timely release of information, and this case appears to be a good candidate for in-depth review by the Commission

--In reviewing closed cases of use of force since 2006, Commissioners should have access to information on previous IA complaints or disciplinary problems involving any officer who is the subject of use of force complain

-Finally, Independent Civilian Oversight should be a priority for the Commission-- and the Board of Supervisors. As recommended in the Philadelphia report, the Police should not be able to withhold information from these bodies.

Whether the Commission members will be able to wade through all the documents and come up with enough solid information ton in the few months left, remains an open question.. As DOJ reports make clear, and the internal audit pointed out, the problem isn't just tinkering with language in an order, *it's ensuring that policies are followed* .

With this in mind, I urge the Commission to give serious consideration to recommending the Board of Supervisors request a Department of Justice investigation, which could bring knowledge and impartiality that could provide the fairest and most accurate assessment of the issues confronting the Police Department and the citizens of Fairfax County.

Attachment: Recommendations of documents

ATTACHMENT TO STATEMENT BY Mary Tracy

1. Key documents that should be provided without further delay:

--The Internal Affairs annual reports (since 2006). Commissioners were told these include information on status of cases by type of complaint, and outcomes.. From the DOJ reports provided on the website, it is clear that DOJ investigations relied on access to such reports, and the information was essential to the reports' recommendations. (Note: the Department's annual reports have not included IA stats since 2011. Before that, the only details were that more than a quarter of Police cruisers are wrecked each year.

-- The Police Executive Research Forum report that Chairman Bulova assured the Board would be available at the end of March. (This \$80,000 contract expired at the end of April, but there is nothing on the County's contract indicating that it has been renewed, or even what kind of report was to be produced.)

--The list of policy reforms made since the Culosi case (promised by Chairman Bulova at the first Commission meeting), and a response to Mr. Culosi's written request for information on SWAT team policies.

-- Relevant Police Standard Operating Procedures not included in the information provided,(presumably including procedures on use of SWAT teams, the membership and rules for the internal review committee reportedly established in 2013 but not mentioned in the Internal Affairs General order, etc.)

Other information that could help the Commission:

-- The DOJ report on Albuquerque, not included in the current batch of DOJ documents, provides some important observations and recommendations on issues that the Commission should check out when reviewing FFX Police cases.

--Final Report: Developing a Common Metric for Evaluating Police Performance in Deadly Force Situations: National Institute of Justice, August 2014.

--Chief Roessler's February 20, 2015 letter to Senator Grassley.

As to the existing website information, Commissioners should pay particular attention to:

--the President's Commission draft report , which flags issues that should concern all Americans.

-- Audit of the Department's Internal Affairs division (issued in 2013, two years after it was promised.) Even though it is limited in scope, the audit points out some major shortcomings in IA policies and procedures. How have these been addressed? .

