

PART II - THE CODE OF GENERAL ORDINANCES
TITLE 2 - General Government
CHAPTER 4 - Committees, Boards and Commissions
ARTICLE AA Independent Community Policing Review Board

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Sec. 2-4-220 - Independent community policing review board.

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 article shall be consistent with Virginia law and regulations.

(Ord. No. 5337, 4/17/21, Sec. 1)

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 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 review investigations completed by the Alexandria Police Department (APD) and Independent Policing Auditor for certain matters as assigned in section 2-4-227, request investigations pursuant to identified patterns and practices of potential discrimination, bias, unequal treatment or other abuses of police authority as identified in section 2-4-227(c)3, and evaluate policing practices, policies, procedures, and outcomes in Alexandria, issue findings to the public, and provide actionable recommendations to the city council, the city manager, Alexandria Independent Policing Auditor (AIPA), the school board, the school superintendent, APD and other public agencies regarding appropriate discipline, policing practices, policies and procedures in Alexandria.

(c) *Procedural memorandum of understanding:* 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 enter into a memorandum of understanding ("MOU") with the APD. The MOU shall be signed by the police chief and the city manager. The MOU shall define the terms of the relationships and mutual obligations between the board and APD. The board is authorized to negotiate the provisions of this MOU, assisted by the city council appointed independent policing auditor, and the city attorney's office. If a provision of this MOU conflicts with a provision of this enabling ordinance, the provision of the enabling ordinance shall govern.

Access to APD records: The board and the AIPA shall be provided full access to all APD

reports, files and records related to the board's review of complaints filed with the AIPA or with APD. All records, documents and materials in the possession of APD or the City that are determined by the board to be necessary and requested by the board to carry out its scope and the revelation of the process, evidence, methods, scope, or other factors in such investigation, APD shall provide such documents to the AIPA who shall not provide it to the board or share with the public until such time as the investigation is completed or a determination is made that the criminal investigation will no longer be compromised.

(e) *Board reports:* The board shall produce public reports regarding the work of the board and disseminate such reports in hardcopy and online, including, but not limited to:

(1) a written report to the city council by September 1 of each fiscal year of its activities for the prior fiscal year under the provisions of this chapter along with any comments and recommendations as it may choose to make; and

(2) a written report of each review conducted pursuant to [section 2-4-227\(c\)](#) which shall not include any personally identifiable information, or criminal or juvenile information prohibited from being disclosed by Virginia State Code or federal law. A summary of such reviews and inquiries shall be provided to city council quarterly and published on the Board's website.

(f) *Other duties:* Undertake any other duties as reasonably necessary for the board to effectuate its purpose as defined in this article;

(Ord. No. 5337, 4/17/21, Sec. 1)

Sec. 2-4-222 - Board member requirements and term of office.

(a) The board shall be composed of seven voting members appointed by the city council, which shall endeavor to create a fair, objective, independent, diverse, and representative body which shall reflect the demographic diversity of the City.

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

(1) at least three members who come from historically, racially or socially marginalized communities that have commonly experienced disparate policing in Alexandria or the Commonwealth of Virginia; and

(2) at least one member who represents an organization, office, or agency that seeks racial or social justice or that otherwise advocates on behalf of historically, racially or socially marginalized communities, particularly communities that may have experienced

disparate policing.

(c) Ex-officio, non-voting members:

(1) at least one nonvoting, ex-officio member who shall have past experience in law enforcement, but shall not be a current employee of a law enforcement agency.

(d) No voting or nonvoting member shall be a current or former City employee, a current or former City elected official, a current candidate for public office, a current employee of a law enforcement agency, or an immediate family member of any former or current City employee, former City elected official, or a current candidate for public office. When used in this section, the definition of "former" means less than three years separated from service.

(e) Except as to the inaugural board, members shall be appointed for terms of three years each. Board members' terms shall be staggered. To that end, the city council shall appoint three voting members of the inaugural board to 18-month terms and four voting members to three-year terms. A board member may be appointed to no more than two consecutive three-year terms.

(f) Ethics: in addition to the requirements of section 2-4-7(g) of this code, board members shall have the following requirements:

(1) board members shall sign and comply with the terms of a Standards of Professional Conduct Statement which shall address the board members' ethical and professional obligations.

(g) In addition to the reasons set out in section 2-4-7(i) of this code, board members may be removed by the city council for the following reasons:

(1) failure to keep confidential privileged information to which they receive access as members of the board, including that information described in section 2-4-223(b) of this code;

(2) failure to complete initial and annual training requirements; and

(3) failure to sign or comply with the terms of the Standard of Professional Conduct Statement.

(Ord. No. 5337, 4/17/21, Sec. 1)

Sec. 2-4-223 - Conflicts of interest and confidentiality.

(a) The board and each member shall comply with the Virginia State and Local Government Conflict of Interests Act under Virginia Code sections 2.2-3100 et seq.

(b) Except as included in the board reports defined in [section 2-4-221\(f\)](#) and to the extent allowed under the Virginia Freedom of Information Act, each member shall maintain the confidentiality of all confidential or privileged information, including but not limited to:

(1) disciplinary actions, memos, reports, and any investigatory documents or information, including audio recordings or videotapes and footage, that the member receives during service on the board.

(2) statements of a police officer, or APD employee, who was required by APD to give a statement; and

(3) criminal investigative files.

(c) All original records provided to the board by APD shall remain official APD records.

(Ord. No. 5337, 4/17/21, Sec. 1)

Sec. 2-4-224 - Quorum, voting, and meetings.

(a) The board shall comply with the procedures for board and commissions in article A of [title 2](#), chapter 4, unless expressly amended in this article.

(b) The board, assisted by the AIPA, is authorized to develop and implement its own bylaws, administrative systems, and operating policies and procedures, consistent with existing federal and state law, state regulation, and this enabling article. Such bylaws shall be subject to public notice and public hearing before approval by city council and adoption by the board. The bylaws become effective upon adoption by city council.

(c) The board shall meet as often as necessary to conduct its business, but no less frequently than four times per calendar year.

(d) Meetings of the board shall comply in all respects with the meeting regulations of the Virginia Freedom of Information Act including being open to the public except under circumstances when the topic is authorized by the law to be discussed in closed session.

(e) Quorum:

(1) To take any action authorized by section 2-4-227 of this code, a quorum of five must be present.

(2) To take any action except those referred to in subsection (1), above, a quorum of voting members must be present.

(f) The board shall keep minutes of its board meetings, and those minutes shall include:

(1) the date, time, and location of each meeting;

(2) the members present and absent;

(3) a summary of the discussion on matters proposed, deliberated, or decided; and

(4) a record of any votes taken.

(g) The board meeting minutes are public records and subject to inspection pursuant to the

Virginia Freedom of Information Act.

(Ord. No. 5337, 4/17/21, Sec. 1)

Sec. 2-4-225 - Support of board.

(a) Board staff.

(1) The city council shall appoint an independent policing auditor pursuant to [sections 4-1-5](#) and [4-1-6](#) of this code who shall staff the board and coordinate the board's administrative functions.

(3) The city attorney, or its designee, shall serve as legal advisor to the board. As to a particular matter, and in the event the city attorney determines that there is a conflict of interest that precludes effective representation by the city attorney's office, the board shall retain outside counsel to advise the board from a list of attorneys recommended by the city attorney. If the board disagrees with the city attorney's conflict-of-interest determination, it may request the determination from the Commonwealth's Attorney for the City of Alexandria, which will be controlling.

(b) Other support from the City.

(1) A website shall be established for the board hosted on the City's website. The board shall control what is posted on the board's website to the extent it complies with all applicable federal, state and local laws.

(2) All public meetings of the Board may be videotaped or audiotaped when there is an inability for video recording. All video or audio recordings of the board's public meetings shall be made available to the public on the City's website.

(3) The City shall not interfere unreasonably with the board's decisions, assisted by the AIPA, to post materials to or remove materials from the board's website.

(4) Board members shall be provided with a City email address to be used exclusively for board-related matters.

(5) The City, including all City departments, boards, commissions, and staff shall make good faith efforts to cooperate with and assist the board, and shall comply with all reasonable board requests or expeditiously provide a reason for rejection.

(Ord. No. 5337, 4/17/21, Sec. 1)

Sec. 2-4-226 - Board training.

(a) Initial training: Before members may vote in board meetings, they shall complete the following training:

- (1) at least 4-hours of ride-alongs with APD patrol operations;
- (2) an eight-hour training, approved by the AIPA and presented by the National

Association for Civilian Oversight of Law Enforcement (NACOLE) or a comparable experienced professional; and

- (3) legal and ethical obligations of members of the board, to include relevant privacy rules and matters related to police operations.

(b) Training that an appointee to the board undertakes within the three months prior to his/her swearing in as a board member counts towards that appointee's initial training requirements.

(c) Annual training: Once every year, board members shall participate in training consisting of:

- (1) At least 8-hours of ride-alongs with APD patrol operations
- (2) A four-hour civilian oversight of law enforcement training presented by NACOLE or a comparable experienced professional;
- (3) Legal and ethical obligations of members of a public board; and
- (4) APD policies, systems, processes, structure and operations, including but not limited to simulated training exercises, defensive tactical training, crisis intervention training, de-escalation training and City Administrative Regulations related to liability, employee discipline and matters related to police operations.

(d) The City and the AIPA, shall provide board members with additional training, which shall 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.

(Ord. No. 5337, 4/17/21, Sec. 1)

Sec. 2-4-227 - Board duties.

(a) *Board readiness resolution.*

- (1) When the board has established its procedures for how to take in inquiries (defined in subsection (b)(1), below), how reviews will be conducted, and the memorandum of understanding required pursuant to [section 2-4-221\(c\)](#) has been executed by all parties, , it shall pass a resolution indicating its readiness to take on the responsibilities designated to it in this article. No current processes for inquiry intake or reviews of complaints shall be transferred to the board unless and until such resolution is adopted by the board.

(b) *Inquiry intake.*

The board will develop and administer a process for receiving community questions, concerns, or comments regarding conduct of APD law enforcement officers and civilian employees ("inquiries") and referring these inquiries to APD and AIPA. Once in receipt

of an inquiry, the APD and the AIPA shall determine whether to process the inquiry as a complaint that shall be investigated by the APD and monitored by the AIPA or investigated by the AIPA.

(2) Inquiries submitted to the board and formal complaints submitted to AIPA may be submitted using a form provided by the board or may be submitted orally.

(3) Information about the process for filing an inquiry with the board, the process for filing formal complaints with the AIPA, and general information about the board and its purpose and scope shall be made available online and at the AIPA, APD, the office of human rights, as well as other locations deemed effective for making such forms and information widely available. This information shall be made readily available in English, Spanish, Amharic and Arabic and in any additional language requested.

(4) Complaints made directly to AIPA shall contain information regarding the incident including, but not limited to, the following:

A. Name, address and contact information for the person filing the complaint;

B. a statement describing the reasons for the complaint;

C. the specific police behavior of concern;

D. a description of the incident in which the behavior occurred; and

E. information regarding witnesses to or persons with knowledge of the incident known to the complainant, including but not limited to names, addresses, and phone numbers, if known at the time the complaint is filed.

Failure to provide all information on the form by the complainant shall not render the complaint unreviewable.

(5) This process shall be separate and distinct from any existing procedures by which the APD receives community complaints as specified under Virginia Code section 9.1-600.

(c) Board review of APD and AIPA investigations.

(1) APD shall continue to investigate all complaints submitted to APD or to AIPA. The AIPA shall monitor APD investigations throughout the process, providing ongoing assurance that internal investigations by law enforcement are thorough, fair and unbiased and that police practices are transparent. APD shall complete its investigation of the complaint and provide its full investigation report to the AIPA within 60 days. The Chief of Police may extend the 60-day period to protect an ongoing criminal investigation, or for other good cause, with notice to the complainant, board and AIPA.

(2) The board may review investigations conducted by APD and AIPA regarding conduct of APD law enforcement officers and civilian employees, whether the initiating complaint

is received by the APD or the AIPA.

(3) APD and AIPA investigations of the following types of wrongdoing shall be reviewed by the board at its discretion. Those investigations the board decides to review shall be monitored by the AIPA throughout the investigative process, providing ongoing assurance that internal investigations by law enforcement are thorough, fair and unbiased and that police practices are transparent:

A. Violations that fall under APD Directives Chapter 2 (Ethics and Conduct), Chapter 7 (Weapons) and Chapter 10.32 (Use of Force), as may be amended from time to time; and

B. “Severe misconduct” defined as dereliction of duty or unlawful or improper behavior which shall include the offenses listed in AR 6-20, Group III offenses, as the same may be amended from time to time:

1. Sexual conduct, even consensual conduct, on the job; and
2. Vernal or other conduct regarding an individual or group that maligns or shows hostility for the individual or group because of race, color, religion, gender, national origin, age, disability, sexual orientation, or gender identity and expression.

(4) At the conclusion and receipt of the investigation, the AIPA shall within 30 days forward a report with a summary of the investigation completed by APD to the board. All personal identifiable information shall be removed or redacted from the report. Within 30 days of receiving the AIPA review, the board shall hold at least one public hearing on the investigation. The review of the investigation can be extended for up to 60 days for good cause with notice to the complainant and APD. At the conclusion of the public hearing, the board may reach one of the following actions:

A. concur with all or some of the findings and determinations detailed in the investigation report;

B. advise city council, the city manager, the APD, and the AIPA that the findings are not supported by the information reasonably available to the APD and recommend further review, consideration, and/or action by the police chief; or

C. advise city council, the city manager, the APD, and the AIPA that, in the board's judgment, the investigation is incomplete and recommend additional investigation by majority vote and final approval by city council.

D. Recommend referral of the complaint to the commonwealth’s attorney for the City of Alexandria.

(5) If the APD declines to implement the recommendation by the board, the chief of police or designee, shall, within 30 days of the board's recommendation, create a written record, which shall be made available to city council, the city manager, the board, the AIPA and the public, of its rationale for declining to implement the recommendation of the board.

(6) The board may also request investigations pursuant to identified patterns and practices of potential discrimination, bias, unequal treatment or other abuses of police authority as identified in section 2-4-227(c)3. Should the investigative request be refused, the board may take action with a vote requesting city council compel an investigation to be completed by the AIPA with a majority vote of the board members.

A. The Board Chair shall submit a petition in writing signed by the voting members requesting an investigation with the clerk of the city council, on or before 14 days after the decision of the board. Upon receipt of such notice, the clerk of the city council shall schedule a public hearing before the city council at a time not less than 30 days after the receipt of the clerk of such notice.

1. Public hearings held on appeals to city council require that the City provide newspaper notice of the hearing.
2. The council may affirm, reverse or modify the decision of the board, in whole or in part. The decision of the council shall be final.

(8) If, after making a good faith effort to obtain, voluntarily, the production of books, papers, and other evidence necessary to perform its duties, the AIPA is unable to obtain production, the AIPA may apply to the Alexandria Circuit Court for a subpoena duces tecum compelling the production of such books, papers, and other evidence, and the court may, upon good cause shown, cause the subpoena to be issued.

(d) Board policy recommendations and duties.

(1) The board shall have the following duties regarding review of police policy and procedure:

- A. review and evaluate existing APD administrative directives, including all rules, policies, and procedures which direct the operation of the APD;
- B. review and evaluate reports issued and data collected by the APD related to policing practices, policies, procedures, and outcomes;
- C. receive, review and evaluate the annual budget and expenditures of the APD and make budgetary recommendations;
- D. advise city council on the hiring and annual evaluation of the independent policing auditor;

E. recommend legislation, policy changes and other actions related to review and evaluation conducted by the board to the city council, city manager, APD, school board, school superintendent, and other public agencies;

F. conduct community outreach in the City related to the review and reform of policing practices, policies and procedures in Alexandria and the work of the board;

G. undertake any other duties as reasonably necessary for the board to effectuate its lawful purpose to effectively review the policing agencies as authorized by the City ; and

H. review and evaluate periodic reports from the police chief regarding implementation of recommendations made by the board.

(2) The board may recommend policies or procedures to city council, the city manager and the APD 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 30 days from the date the board adopted the recommendations.

A. The board's recommendations shall be included in any public reports issued by the board, including hardcopy and online.

B. If the APD declines to implement any changes recommended by the board, the chief of police shall, within 30 days of the board's recommendation, 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 the recommendation of the board.

(Ord. No. 5337, 4/17/21, Sec. 1)

Sec. 2-4-229 - Exclusions.

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

(1) Complaints involving any incident that occurred more than two years before the filing of the complaint with the AIPA or the APD;

(2) Any financial management, or procurement decisions made by the APD, or any individual hiring, assignment and promotional decisions made by the APD;

If any agency having responsibility for criminal investigations or prosecutions has initiated a criminal investigation or proceeding against any police officer or officers who are the subject(s) of an incident or complaint that the board has responsibility for investigating pursuant to this article, the board shall defer its preliminary inquiry and investigation until said criminal proceedings have been withdrawn or concluded; and

(4) Any other claim outside the scope of the board's authority as determined by this article or applicable state law.

(Ord. No. 5337, 4/17/21, Sec. 1)

(Ord. No. 5337, 4/17/21, Sec. 1)

Sec. 4-1-5 - Independent policing auditor.

City council shall appoint an Independent Policing Auditor (AIPA) with the terms and conditions of such appointment set forth in an employment agreement. The AIPA shall serve at the pleasure of city council. The AIPA have professional experience in the investigation of allegations of police misconduct and be provided an annual budget and secured office space by the City , but such space shall not be housed in any Alexandria Police Department facility. The AIPA shall act independently consistent with its duties.

(Ord. No. 5337, 4/17/21, Sec. 2)

Sec. 4-1-6 - Independent policing auditor duties and responsibilities.

The independent policing auditor shall:

- (a) Budget: In order to carry out its duties, AIPA shall be provided a sufficient annual budget subject to appropriation by city council , and shall expend the funds provided consistent with:
 - i. the purposes and scope of the Independent Community Policing Review Board (ICPRB) and AIPA;
 - ii. the budget and appropriation approved by city council ; and
 - iii. City procurement and expenditure regulations and practices.
- (b) 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;
- (c) be responsible for the day-to-day operations of the AIPA;
- (d) have authority to hire and supervise and make employment decisions regarding the independent policing auditor's staff within existing City human resources systems and City administrative regulations;
- (e) be responsible for the independent review of Alexandria Police Department current or proposed policing practices, rules, policies, procedures, directives, training,

compliance, risk management tools and outcomes and present findings of such reviews and any resulting recommendations to the board;

- (f) perform a quality assurance function with the goal of identifying systematic changes that will improve police services to the community;
- (g) create and manage a community complaint and case tracking system;
- (h) participate in, organize, and/or attend community engagement activities in coordination with the ICPRB;
- (i) periodically issue reports and recommendations to the city manager, city council, police department, and board;
 - 1. Reports related to investigations completed by AIPA shall contain information related to *Garrity v. New Jersey* protections afforded police officers. Information in the report shall identify if the officer voluntarily appeared before the AIPA or if the officer was directed to appear by the Chief of Police
- (j) conduct community engagement activities to enhance fair and equitable policing in the City of Alexandria;
- (k) receive both complaints of law enforcement misconduct and law enforcement commendations regarding the Alexandria Police Department;
- (l) monitor and/or conduct investigations of incidents regarding the matters assigned by [section 2-4-227](#) of the City Code;
- (m) review completed investigations by the APD.
- (n) review of any disciplinary actions taken that may arise as a result of investigations conducted by the APD;
- (o) review the strategic planning/long range policy, practices and training of APD and police related activities impacting the community;
- (p) have full access to unredacted Alexandria Police Department reports, files and records, including disciplinary records, related to complaints filed with the AIPA, the board or with the department, as well as related to and uses of force reviews by the department.
- (q) receive all records, documents and materials in the possession of APD or the City that are determined to be necessary and requested by AIPA to carry out its scope and authorized functions, in unredacted form:
- (r) except as included in the board reports defined in section 2-4-221(f), maintain the confidentiality of such disciplinary records and criminal investigative files as well as

any statement of a police officer or APD employee who was required by APD to give a statement;

- (s) enter into a MOU with APD, executed by the Police Chief, the Independent Policing Auditor and the City Manager, that defines the terms of the relationships and mutual obligations between AIPA and APD, including but not limited to, the timely exchange of information and the efficient coordination of APD and AIPA investigations and establishes the Police Chief's duty to compel APD employees to cooperate fully with AIPA investigations, including officer attendance for interviews conducted by AIPA investigators; and
- (t) enter into a MOU with any other agency in support of the investigatory authority granted.
- (u) Complaints made directly to the AIPA or referred by the Board shall contain information regarding the incident including, but not limited to, the following:
 - 1. Name, address and contact information for the person filing the complaint;
 - 2. a statement describing the reasons for the complaint;
 - 3. the specific police behavior of concern;
 - 4. a description of the incident in which the behavior occurred; and
 - 5. information regarding witnesses to or persons with knowledge of the incident known to the complainant, including but not limited to names, addresses, and phone numbers, if known at the time the complaint is filed.

Failure to provide all information on the form by the complainant shall not render the complaint unreviewable.

(v) This process shall be separate and distinct from any existing procedures by which the APD receives community complaints as specified in Virginia Code section 9.1-600.

(Ord. No. 5337, 4/17/21, Sec. 2)