

OPPORTUNITIES TO IMPROVE CH. 69 ORDINANCE

Background. The Arlington County Code Chapter 69 Ordinance to establish the Law Enforcement Community Oversight Board addresses a cross section of relevant authorizations and requirements that span: the COB's purpose and scope, provisions related to membership, meetings, support, and training, as well as the COB's access to records, the hiring, duties, and responsibilities of the Independent Policing Auditor (IPA), as well as relevant exclusions and interpretations embedded in the Ordinance. Our volunteer members spent many hours reviewing and discussing this document to gain a full understanding of the intended COB operations and interactions with other stakeholders. During these conversations, members of the COB identified an opportunity to strengthen the ordinance to promote effective civilian oversight by furnishing unfettered access to internal records.

Expanding Current Records Access. The language in the ordinance authorizing the COB and IPA to have "full access to all County Police Department reports, files, and records related to the Oversight Board's review of public complaints," does not clearly establish the COB's (or IPA's) access to records related to internal investigations. The relevant Memorandum of Understanding ([MOU], which was signed by all stakeholders including ACPD and the COB), partly addresses this gap by facilitating an agreement that ACPD will share aggregated summaries about internal investigations on a monthly basis, which they have provided since June 2023. However, these aggregated summaries do not facilitate the full transparency needed for effective civilian oversight. [The National Association for Civilian Oversight of Law Enforcement \(NACOLE\) advocates for "unfettered access to records and facilities,"](#) cautioning that, "Without timely and reliable access to department records, information, and facilities, oversight practitioners and volunteers cannot make decisions that meaningfully address areas of concern."

Importance of Internal Investigation Reviews. The primary purpose of the Arlington COB, as stipulated by the ordinance, is "to increase and maintain trust between and among the County Police Department, the County Board, the County Manager, and the public." [NACOLE highlights that this role hinges on the COB's "ability to review police policies, training, and other systematic issues,"](#) as one of eight key features of an effective police oversight body. The COB recognizes and appreciates ACPD's need to protect the confidentiality of reporting officers as part of internal investigations and is sensitive to the need for COB information sharing and operational protocols to preserve that protection. The COB is prepared to work with the County, IPA, ACPD, and its officers to both protect confidentiality and to provide access to internal investigation. Access to internal investigations will allow the IPA and COB to monitor for and help ACPD to address any systematic issues that may arise. These issues, if unaddressed, could otherwise jeopardize both public and officer safety as well as community trust in law enforcement.

Completed Investigations. The IPA has completed 77 investigations since April 2023. Some of these investigations do not go through a full COB review or public hearing; for example, some complaints are "exonerated" if the IPA review of available evidence clearly indicates that no policy violation occurred. The COB has completed public hearings on five investigations and will cover two more at our meeting this Wednesday, March 20, 2024. We are actively working through double meetings to clear the six outstanding investigations ready for COB review and to address the (20.6%) increase in the number of public complaints submitted between April and December 2023 (which can be a typical response to the creation of a new oversight body). The COB, IPA, and ACPD are also working together to refine our 2024 complaint priorities, taking into account what we've learned in the first six months of conducting investigation reviews to improve complaint processing, response, and reporting times.

Building Organizational Maturity. Although the COB members were appointed in March 2021, we spent a full year undergoing requisite training and building a mutually agreeable MOU before the Readiness Resolution authorizing the COB to begin reviewing public complaints was adopted in April 2023. The IPA and ACPD's Office of Professional Responsibility (OPR) worked closely to get all requisite equipment, protocols, and information access established to enable the COB to review its first completed investigation review in October 2023.

The COB understands that the implementation of civilian oversight must be intentional and focused on the public interest. As we gain organizational maturity, the COB members are dedicating substantial investments of personal time to build an effective and lasting mechanism for civilian oversight in Arlington. We are committed to a process of continuous improvement, including ongoing meetings with County and ACPD leadership, ride-alongs with ACPD officers, and additional relevant training. The COB is encouraged by mutual dedication amongst the MOU stakeholders to remain open and collaborative throughout this process and we expect the County will revisit the issue of internal investigation records access. The COB is confident that Arlington County is equipped to address the needs of all MOU stakeholders through continued collaboration without compromising our ability to provide full and meaningful oversight of local law enforcement activities in accordance with national best practice.

We appreciate the opportunity to serve our community and look forward to additional engagement with community to provide transparency and solicit input from the public to guide the future of this work.

Sincerely,



Julie Evans

Chair, Arlington Law Enforcement Community Oversight Board (COB)

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