

ALEXANDRIA HUMAN RIGHTS COMMISSION  
MINUTES OF THE MEETING OF TUESDAY, JUNE 16, 2020  
7:00 p.m.  
VIRTUAL (Zoom)

Members Present

Danielle Beach  
Amy Blackwood, Vice Chair  
Lisl Brunner  
Michelle Cho  
Kevin Edwards  
Damien Hammond, Sr  
Christopher Harris  
Matt Harris, Vice Chair  
Alex Howe  
Susan Kellom  
Michael Kreps  
Elizabeth "PJ" Palmer Johnson  
David Rigsby  
Scott Schwartz

Staff Present

Jean Kelleher, Director  
Miladis Martinez Gutierrez  
David Miller, Investigator

**1. Call to Order/Introductions by Vice Chair, Matt Harris**

Vice Chair Matt Harris called the meeting to order at 7:00p.m. Vice Chair Harris welcomed everyone and said that technically the Commission was not supposed convene due to the COVID-19 emergency, however because the Commission is dealing with an emergency itself, the Commission received limited authority to meet tonight pursuant to budget bill amendment section 4-0.00(g) in HB29 and HB30 to discuss or transact the business statutorily required or necessary to continue operations of the public body in the discharge of its lawful purposes duties and responsibilities.

Vice Chair Harris welcomed the two new Commissioners, Lisl Brunner and Michelle Cho. He asked them to introduce themselves and give a brief background. Commissioner Cho stated that she is excited to join this Commission; she has lived in the City for about two years. She said that when she lived in Charlottesville as a graduate school; she worked with the Office of Human Rights and, especially given the cultural moment that we are in, she wanted to do more work by volunteering and applied to the Commission. Commissioner Brunner said she is delighted to be a member; she came out of Law School and worked in Human Rights at the Organization of American States and now works for a private company doing public policy. She said she is eager to do meaningful human rights work.

**2. Discussion on a resolution and other business in connection with the George Floyd murder.**

Vice Chair Harris stated COVID-19 had a devastating impact on us socializing and getting together, but yet the killing of George Floyd has united most of us in ways we rarely see anymore. He said that, while the problem and the intensity are unique that we are experiencing, racial bias and the use of lethal force is not new; the problem always reappears. He said that we have to come to understand the common parlance when we hear about “the talk” that Black parents have to have with their children; it is universal and shouldn’t be a required rite of passage into adulthood. This Commission has devoted many resources to the endemic problem of racism, and while our laws and ordinance, and populace are progressive by most standards, this is no longer sufficient. We need to set a higher standard; we are diverse, and that is great, but diversity without the inclusion is not acceptable, and before other labels we are human first.

Vice Chair Harris said that taxpayer money must view as an investment and no cost should be spared in eliminating racism wherever it exists. There is absolutely no price we can put on a Black life; Black lives absolutely do matter. Last week Council took a bold first step in affirming the City’s commitment in making our Police Department more transparent; the actions Council has called for are subjects our Commission has spent a lot of time and energy deliberating, including police data transparency, body-worn cameras and an independent Community Police Review Board. As a Commissioner, I defer to the group at all time, but it is my view that we should fully support Council’s resolution. This resolution is not a punitive measure against our police, rather it is just another tool that will build trust between our dedicated law enforcement officers and all the community whom they are accountable too.

Vice Chair Harris stated that he was singling an agenda item to formulate a resolution, or resolutions, events, or statements to address matters of race relations and the police. He said that together they can craft a document that reflects the sentiment of the Commission. He said it will be a rather free-flowing discussion tonight and they might consider forming an ad hoc subcommittee to draft or put down the thoughts of the Commission. Vice Chair Harris thanked Commissioner Howe, Commissioner Palmer Johnson, and Commissioner Schwartz for circulating their ideas of what should be either in a resolution or letter. Vice Chair Harris opened it up for the commissioner’s input. Director Kelleher stated that Commissioner Brunner had sent some very thoughtful ideas for the resolution. Director Kelleher went over the Zoom requirements and said that if Commissioners were speaking, unmute yourself, say your name and put your video on; otherwise keep your connection on mute.

Vice Chair Blackwood stated that she is glad those groups exist and that the Commission has a real opportunity to make a difference in the community. Vice Chair Harris stated that Commissioner Palmer Johnson’s resolution was focused on the federal level, and our two senators, and an acknowledgement of the help that is needed at that level. Commissioner Schwartz’s and Commissioner Howe’s are more City-based problem identification and solution.

Commissioner Beach stated that they are working on a resolution for AAUW, and they have come up with a lot of ideas also on their committee, about not only police reform, but community policing and supporting that. Also, some ideas that are wider spread to eliminate institutional racial inequalities. In addressing some of the points that Commissioner Schwartz had raised originally about education, healthcare and the criminal justice system, in general, and the inequality and disparities that exist there. She stated that this commission’s resolution should

address that also, and perhaps also voting. She wondered if the Commission can organize townhall meetings in different communities, maybe have several of those that would allow people to voice and express their ideas or that they feel included. Vice Chair Harris stated we can definitely do it, but thought they should wait for the COVID stay home order to be lifted. He asked Director Kelleher if they could do it via Zoom. Director Kelleher stated that those efforts that are taking place already with collaborative groups that includes non-profit, the community, City folks, but certainly the Commission has the authority under the Code to hold hearings or to have meetings. Given the limitation on permission for actually having those meetings currently, later will be more of a possibility because she knows from the City Attorney's Office that is getting to be increasingly more rare to be able to get permission to hold a public meeting just because of the intense support that is required from our IT department.

Vice Chair Harris asked for volunteers to be on the ad hoc committee to draft the resolution. Commissioner Howe, Commissioner Brunner, Commissioner Kellom, Commissioner Beach and Commissioner Schwartz volunteered to be on the ad hoc committee.

Vice Chair Harris stated that he had circulated the Richmond Human Rights Commission's resolution and said that they address some specific instances of excessive policing down there, urging their City Council to move forward, as well, on a Community Review Board.

Commissioner Schwartz said that his feelings about this issue are that he certainly doesn't have any expertise whatsoever in understanding the policing issues that we face or what the City's best response can be. He said that he will support the creation of a department or office that really is comprised of people that have expertise on the key areas, such as access to healthcare, education, and economic opportunities. The key issues that need to be addressed City-wide and through broader things than anything our Commission can do, as far as the policing goes he will leave that to the expertise of Citizen's Police Board or Review Committee, or however the City wants to formulate that, populated by individuals who have experience in civil right issues, policing, and issues of criminal justice. I just don't know that we are prepared to offer the kind of specific guidance that the City would need to be able to develop programs, and I think that we need to turn that over to a more specialized office. He said that he will be in favor of a broader transfer of authority to another office or department created by the City to address broader minority issues and that is the extent to which I think that our commission ought to be giving guidance.

Commissioner Kellom stated that the basic problem with the Police Department is back with the selection of police officers. It is within who the person is that decides whether they are going to lose it in a certain situation. It is the essence of the personality whether they are going to blow it or not, and there are selection criteria that can be established by psychiatrists and psychologists to make sure that we do a better in selecting our police.

Commissioner Kreps stated that he wanted to reiterate what Commissioner Schwartz said and said that he will be in favor, to the extent that the Commission wants to put forward statements of solidarity, but is concerned about making specific recommendations and making recommendations that don't have to do with Alexandria.

Commissioner Howe stated that he supports the concept that we are handing off certain amount of authority to a different body that is more specifically built and constituted around reviewing the actions of the police. The only thing that he would like to push on is the concept of expertise; he feels he knows where Commissioner Schwartz is coming from that perspective of talking about professional expertise and having a very educated understanding of the issue that they are going into; but I think for the Community Review Board, in particular, that we should make sure that this is not just for people with a certain level of education. I think we should be opening this up literally to the community and we need make sure that we are listening to people who are coming from all different backgrounds and represent their particular communities.

Commissioner Edwards stated that a lot of cities have talked about these independent citizens review boards and a lot of cities have them; the problem is that they don't have any teeth to get things done, so they can make these recommendations to turn into the Police Departments, but once it gets to whatever department that is in the Police Department that is actually taking action, if the action that is recommended says "we don't want this officer to be a police officer anymore," they can just push it aside. He said that he agrees that the Commission needs to have some resolution supporting City Council in creating this citizen review board, but he thinks that there are two other things that they need to push further more; one of those is the independence of that Board, and the other one is the ability to take action, as well.

Commissioner Rigsby stated that he agrees with almost everything that has been said. He also said that some of the issues described sound like they might be in the purview of the Equity Officer; a lot of the broader issues would link into that. He said that he had a look at some civilian review boards in the area; Montgomery County has one that is much more advisory and discussion-based, and the Fairfax County Police Civilian Review Panel is much more comprehensive and they have an independent inspector and a whole infrastructure, he assumes bonded by the City to support that civilian review panel. He also suggested that we can have a liaison to the Human Rights Commission on whatever this eventual Board looks like and said that we want to form a transition committee to sort of build out something closer to Fairfax or maybe stronger than what Fairfax has.

Director Kelleher stated that the primary focus of the City right now is to work on equity issues internally and externally, because that is where we need to make systemic changes. She said that this is going to take a long time, and said they are building in infrastructure, that movement has been out in front for the last three years, and we finally got the Equity Officer. We have a tremendous talent in the City that has been working on this at the Department of Community and Human services and the Police Department has a very robust equity initiative. Director Kelleher said that they were just talking today about when the City Council should make a statement about the equity initiative; there will be a draft in July, but expecting that in September is when City Council will be issuing some kind of statement or resolution of exactly where they want to go with equity.

Commissioner Schwartz stated that his suggestion was an alternative approach. The Equity Officer is one person, and what he was talking about was a complete expansion of that office to people who are going to have the expertise to be able to handle the full City's approach to dealing with these issues or the creation of a new office.

Director Kelleher stated that the Equity Officer, Jacqueline Tucker, would love to have staff, but we have a huge budget deficit with COVID-19, and we are all trying to support her. Director Kelleher said that Jacqueline is very experienced in the GARE model, which is not to have a centralized approach; equity is not to have one person, one officer, or once office. There will be Equity teams in every single department. This is going to be a systemwide approach, and it has already started. It will be data-driven. She said that the focus is to actually change things, focus on vulnerable populations, and to target resources to those who need them the most.

Commissioner Schwartz said that what he is concerned that if one person is coordinating other offices and other people, then it is not going to be coordinated. Each individual office is going to do its own thing, and I think that the mission will be buried. What I am focusing on is the idea that an office will actually be able to have direct control over recommendations that are made to City Council in all areas, access to housing, economic opportunities, policing and educational opportunities. That that office will have direct responsibility and not have to work through another department or office to be able to make recommendations directly to Council to develop these programs that are needed.

Director Kelleher stated that Jacqueline works closely with her counterparts and she has said that her counterparts in Montgomery County and Fairfax County had said to her that they can't believe the support that she has from the Manager and her ability to take action. She has developed the tools that will be used in the health context, because that was our immediate emergency.

Commissioner Beach stated that a lot of great ideas and thoughts have come out. She said that she listened to Jacqueline when she spoke on the Act, and thought that Jacqueline was very competent and one of the best speakers; she is clearly motivated and has a lot of resources at her finger tips, and a lot of knowledge and the desire to do this. She thinks that we should have make someone who is our link from the Commission to her. She said that she is also concerned about some other issues - that we don't get focus about what is happening in other places, and just stay on what is happening in Alexandria. Alexandria having been one of the largest slave markets in the whole country, it is important to embrace the history of Alexandria and slavery and that we look at things that are coming out now, in the future, things such as voting, where there have been always disparities. We should address that in our resolution, addressing racist behavior when you see it. She said that the Commission doesn't have to reinvent the wheel; the Commission has to work with what the City has and be able to develop our own area where we are going to be able to make an effect, besides the fact of making a resolution. She said that a resolution is not the only thing the Commission does, the Commission has to be involved in a deeper level. A resolution is a good start.

Vice Chair Blackwood stated that she thinks whatever the Commission ends up recommending, one thing that she would like to see included in it, is to make clear how important it is that the review body that ends up getting created has real teeth. This will not succeed unless it has real teeth to it. She stated that she has concerns about some of the things the Police Chief said at the City Council meeting last week, and she worries that half of the Council doesn't have a clear understanding in the moment of what the oversight is.

Vice Chair Harris that the Police Chief said that the Commission has more powers than they actually have. He said that the Commission needs to get across to Council and perhaps is in a Resolution of what the Commission's actual powers are.

Director Kelleher stated that she thinks that the Police Chief was mixing the two together, because he had experience with our office when we have done employment investigations of APD, so he was mixing the two, the Human Rights Commission role and the Human Rights Office role with confidential investigations.

Commissioner Edwards said that we need to make it known to the community that we don't condone these actions by police officers. He suggested making a resolution to ask for more transparency from the Police Department. It will not only help us as a community, but it will help the Police Department gain the trust of the community as well.

Vice Chair Harris stated that one of the tools they have is the resolution that the City Council passed, which mentions data transparency that the Commission has been asking for years, body-worn cameras, and the creation of a community police review board which presumably will be independent from City structure.

Commissioner Howe wanted to emphasize what Commissioner Edwards said specifically about transparency. There was an article in the Gazette packet last week talking about the least transparent police forces in the Commonwealth of Virginia, and the minimum requirement is opening up how they share the data. This board had complete and open access to all police data for any kind of deliberation and said that transparency is a thing that he wanted to emphasize.

Commissioner Kellom inquired when we said review board, are we thinking only of a board that will be able to make judgment on the actions of an officer or are we saying a board that will be advising the Police Department on how their education department will run, how their officer selection will run. What is the scope that we are talking about?

Vice Chair Harris said that will be deferred to City Council. His hope is that City Council will have all the information available to them from all perspectives. He said that the Commission's goal is to get them to see every perspective available so that they can make an informed decision.

Director Kelleher stated that whenever there has been an incident, typically what has been asked for with a Review Board was the NAACP model. That was the original model nationwide that was touted with respect to communities that didn't have a review board at all; and at that time City Council felt that the Human Rights Commission in the City of Alexandria served in that role based upon what the criteria. Then when we had a memorandum of understanding signed when Jim Hartman was the City Manager. It focusses on those periodic review three times a year with the Executive Committee. It was designed to review certain internal investigation on allegations of excessive use of force, demeaning language and harassment, and then it expanded to all use of taser.

The Executive Committee never has the name of the officer or the name of the complainants, but they have synopsis of the reports, once the investigations are done. Whenever there has been a police-involved shooting or a death at the hands of the police, that is when there is another level of involvement. The way the legal system works, the Commonwealth Attorney has to complete his or her work before whatever review board gets any evidence or any information. The Human Rights Commission typically received information on a police officer involved shooting after the Commonwealth Attorney had finished and after the Police Chief had finished his report. Then the Commission was authorized under this memorandum of understanding to seek additional evidence. This is what the involvement has been.

Commissioner Palmer Johnson stated that she looked at it from a federal perspective because she does not have any research that would indicate to her that many of the jurisdictions would follow it. She looked at 98 killings of unarmed person of color across the United States, and in the vast majority of those incidents the police officers were not even indicted. If we approach this from a Federal perspective, I believe we will have a greater opportunity for convicting those persons. Additionally, I believe that it is absolutely essential that we have a federal database where all states and territories are required to submit those incidences of excessive force by law enforcement officers. We had that, that was part of the 1994 crime bill; however, the Department of Justice has not followed through, which is why I firmly believe that we don't need to reinvent the wheel, we only need to carry through what is already on the books.

Vice Chair Blackwood stated that the Executive Committee capacity for review has not been sufficient. She suggested a recommendation for the review board that they have budgetary oversight and approval.

Commissioner Brunner asked if there is a way for citizens to submit complaint to the Human Rights Commission or to the Police Department about Police misconduct. At least the ability to receive complaints, and some of them also have the ability to look at policy and make policy recommendations as well, and this maybe something that can be recommended.

Vice Chair Harris explained the process on filing a complaint through the Police Department or the Human Rights Office. Director Kelleher explained that complaints come to the Police Department from the public or internally about actions by police Officers, those are in the Internal Investigation Department. Chief Brown handles the criminal part of it; if there is any criminal allegation, he has the Virginia State Police actually do the investigation, for the very reason that the Police Department shouldn't be instigating their own people.

Vice Chair Harris stated that by the Police Chief sending the cases to the State Police he shows that he sees value in an independent review board, and by going out of our jurisdiction to the State Police, we don't have any jurisdiction over the State Police to review. He would prefer the Chief do an independent internal investigation and bring it to the Human Rights Commission, rather than go behind the Commission and take it to the State Police.

Commissioner Palmer Johnson asked how the average citizen finds out how to launch a complaint. Vice Chair Harris stated that it is on the Police Department website. If there is a traffic stop, the ticket used to have the Office of Human Rights Office and the Police Department

numbers. Commissioner Palmer Johnson stated that if it on the Police Department website, it is bias, because they are assuming that everyone has a computer and can use it. Director Kelleher stated that the City has a 311 system where citizens can file their complaints and the City makes sure that there are interpreters available if people speak other languages.

Vice Chair Blackwood stated that one thing she thinks that this Commission can do post-COVID, is educating the community of the various resources that are available to them.

Vice Chair Harris asked if anyone would like to submit their comments, they can email them to Director Kelleher. Vice Chair Harris asked the ad hoc committee to get back to the Commission whenever they can. He said that the Resolution itself has a 90-day period for the City Manager to get back to City Council with some suggestions.

Commissioner Palmer Johnson stated that she will be sending a Resolution to the State Democratic party, and she will be using much of the language in the resolution that the Commission has before them. Commissioner Rigsby stated that when and if the Commission starts meeting in person again and it becomes the legislative season, he suggests that they be thinking on these issues, so that they can accomplish things at the State level.

Commissioner Howe would like to receive the contributions from Commissioner Schwartz and Commissioner Palmer Johnson. Commissioner Harris stated that the NAACP is working on a meeting with Jacqueline Tucker to give her an introduction to the community next Wednesday. They will have a Zoom call open to the City and an email will go out with the link.

Director Kelleher asked Commissioner Harris what the NAACP is doing and if there is a national model. Commissioner Harris stated that they certify on the national model and that they have a national meeting this Friday to work on a plan between all the states and all localities. He said that once this is solidified, they will be putting out a general statement.

Commissioner Palmer Johnson thanked Vice Chair Harris for all of the things he has been doing.

### **3. Announcements /Adjournment**

**MOTION:** adjourn the meeting.  
Schwartz /Edwards **PASSED** unanimously  
The meeting adjourned at 8:15 p.m.