



City of Alexandria

Proposed Changes to Civilian Oversight Ordinances

Recommendations by Subcommittee

City Council Legislative Meeting

April 22, 2025



Agenda



1. Summary
2. Background: Subcommittee for Civilian Oversight Ordinance Revisions
3. Issues in Existing Structure: Clarifying Authority for Both Civilian Oversight Bodies
4. Recommendation #1: City Council Is The Final Authority
5. Issues in Existing Administrative Investigation Process: Flowchart (Highlighting Garrity & Subpoena Power Issues)
6. Recommendation #2: *Garrity v. New Jersey* : Auditor's Compliance and Reporting
7. Recommendation #3: Subpoena Duces Tecum
8. Recommendation #4: Scrivener's Error in 2-4-227(c)(3)
9. Summary of Recommendations #1 – 4 by Subcommittee
10. Board Training Requirements and Length of Terms
11. Next Steps: MOU & Community Engagement



Summary

- Council adopt the recommendations by the Subcommittee at First Reading and Final Passage.
- Current Issues in the Investigative Process.
- Current Issues in the Existing Authority Between The Auditor and Board.
- Board Training Requirements and Length of Term.

Summary



Background Information

- **June 2024: City Council grants Auditor's request to form an ad-hoc committee to propose changes to enabling ordinances**
 - ▶ Ad hoc committee's proposals adopted at First Reading on November 12, 2024.
 - ▶ Council defers final passage for community engagement and feedback.
 - ▶ January 25, 2025: Council unanimously defers decision and forms subcommittee to review proposed changes and make recommendations.
- **Council adopts resolution to form Subcommittee on January 28th**

Background



Subcommittee

- **Subcommittee Members: Vice Mayor Sarah Bagley and Councilman Canek Aguirre**
 - ▶ Staff: Meghan Roberts (City Attorney's Office), Cheran Ivery (City Attorney), Ameratu Kamara (Acting Independent Policing Auditor), Yon Lambert (City Manager's Office).
 - ▶ Additional Input: Christopher Lewis and Alexis Stackhouse (ICPRB Leadership), Chief Tarrick McGuire and Asst. Chief Raul Pedroso (APD), and Damon Minnex (Police Union).
- **Meeting Dates: February 26, 2025; March 12, 2025; and March 18, 2025**
- **Areas of Primary Focus:**
 - ▶ Clarifying Authority for Initiating Investigations Between the Auditor and the Board.
 - ▶ Auditor's Subpoena Power.
 - ▶ Board's Review of the Auditor's Investigations Under 2-4-227(c)(3): Scrivener's Error.
 - ▶ Clarification of Board Training Requirements and Length of Term.

Overview



ISSUE #1: Clarifying Board's Authority to Initiate Investigations

CURRENT STRUCTURE OF CIVILIAN OVERSIGHT IN ALEXANDRIA

AIPA

Investigative arm of
civilian oversight in Alexandria

Professional staff

Subpoena power

Monitors and audits APD complaints &
investigations

Supports ICPRB with meetings, training,
review, and investigations

Reports to the Board

BOTH

Ensure transparency, accountability, and
public trust in local law enforcement

Appointed by City Council

Community engagement and feedback

Quality assurance and policy reviews of
APD directives

NACOLE & APD Training
including ride-a-longs

Public reporting & engagement

ICPRB

Review and community arm of civilian
oversight in Alexandria

Independent review of APD and AIPA
investigations for fairness and
thoroughness

**Directs the Auditor to conduct
investigations**

Public body: volunteer residents of ALX

Reviews APD directives and practices to
recommend reform



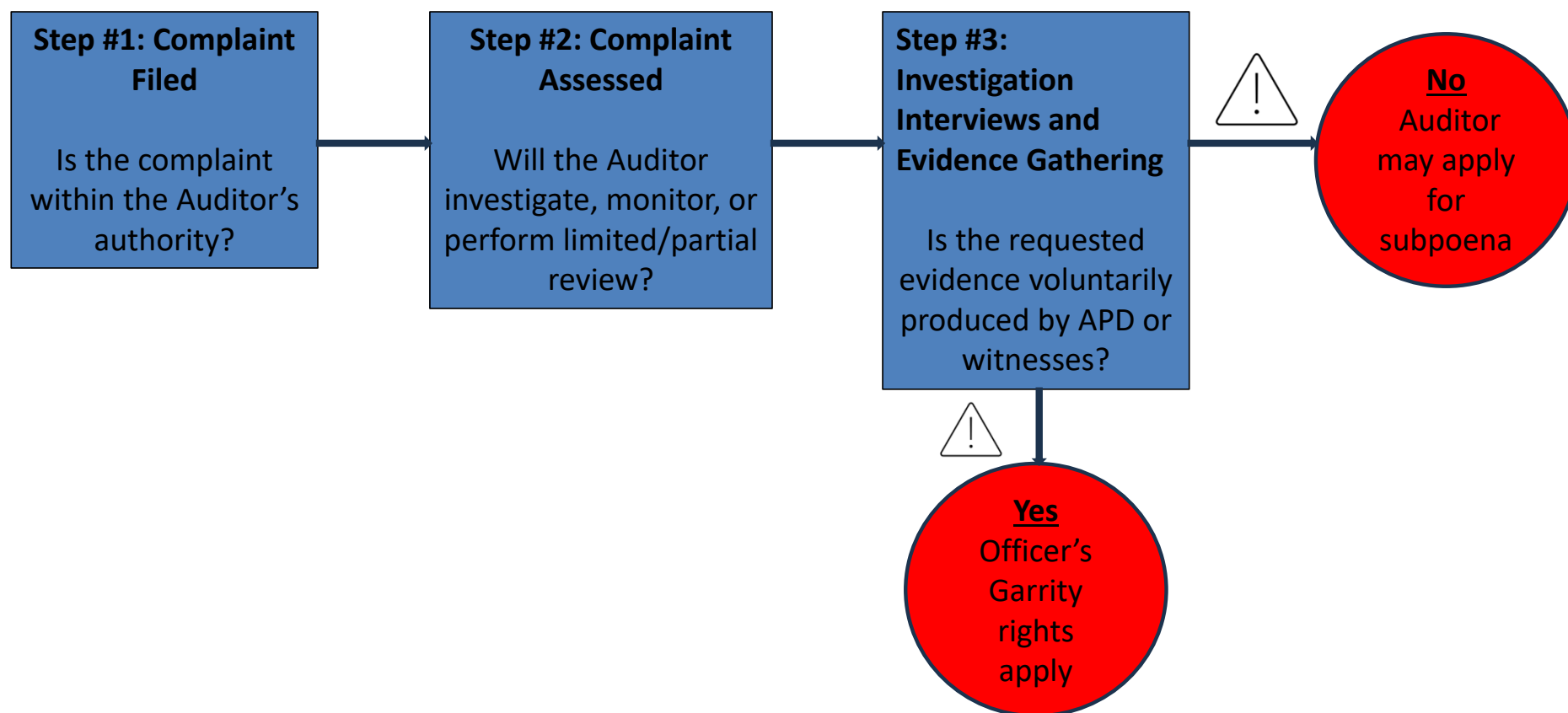
Issue #1: Clarifying Board's Authority to Initiate Investigations

- **Recommendation #1: City Council is the final authority.**
- In the event of an impasse between the Board and the Auditor:
 - ▶ Board will take a vote, requiring a majority for approval.
 - ▶ Board will request item to be docketed for hearing before City Council.
 - ▶ A hearing will be scheduled allowing statements by the Auditor, Board, and public comment.
 - ▶ Council will decide the matter.

Recommendation #1



ISSUE #2 and #3: Garrity & Subpoena Issues in Existing Administrative Investigation Process





ISSUE #2 and #3: Subpoena & Garrity Issues in Existing Administrative Investigation Process

Step #3: Investigation Interviews and Evidence Gathering

Is the requested
evidence voluntarily
produced by APD or
witnesses?



No
Auditor
may apply
for
subpoena

Note: Even if APD officers voluntarily appear, they are not compelled to answer questions under *Garrity v. New Jersey*.

1. The Auditor, Board, and APD comply with an MOU establishing access to APD systems, records, and tangible evidence.
2. In some cases, evidence requested from APD may not be turned over to the Auditor.
3. The Auditor may seek outside counsel and apply for a subpoena to compel officer appearance.
4. APD officer served with subpoena
5. APD may file a motion to quash the subpoena.
6. The Auditor may respond to the motion to quash.
7. A hearing is held before the Alexandria Circuit Court and a judge may grant the subpoena if good cause is shown.
8. If granted, APD must attend interviews, however officers may invoke Garrity rights.



Recommendation #2 and #3: Subpoena Duces Tecum & Auditor's Report on Garrity

Step #3: Investigation Interviews and Evidence Gathering

Is the requested
evidence voluntarily
produced by APD or
witnesses?

No
Rec #2:
Auditor
may apply
for
subpoena
duces
tecum

Rec#3: The Auditor's report will include Garrity language and denote whether an officer voluntarily appeared and answered questions.

Note: The Auditor may also monitor APD interviews with officers.

1. The Auditor, Board, and APD comply with an MOU establishing access to APD systems, records, and tangible evidence.
2. In some cases, evidence requested from APD may not be turned over to the Auditor.
3. The Auditor may seek outside counsel and apply for a subpoena duces tecum to produce tangible evidence held by APD or witnesses.
4. APD or witness may still file motion to quash upon being served with subpoena.
5. The Auditor may respond to the motion to quash.
6. A hearing is held before the Alexandria Circuit Court and a judge may grant the subpoena if good cause is shown.
7. If granted, APD or witness must produce the requested evidence.



Issue #4: Correcting Scrivener's Error Under 2-4-227(c)(3) – Board's Review of Auditor's Investigations

- Recommendation #4: Update language under 2-4-227(c)(3):

Board's Review of APD and AIPA investigations.

Recommendation #4



Summary of Recommendations

#1 Board and Auditor Report to Council

- In the event of an impasse, the board will hold a vote, requiring a majority to request the item be docketed and decided by Council.
- Clarifies authority for civilian oversight bodies.

#2 Auditor's Report on Garrity

- The auditor's report will include language on *Garrity v. New Jersey*, and denote whether an officer voluntarily appeared.
- Auditor may monitor APD interviews.

#3 Subpoena Duces Tecum

- Auditor may apply for a subpoena duces tecum for the production of tangible evidence, not voluntarily produced by witnesses or APD.

#4 Board's Review Under 227(c)(3)

- Clarifying the Board will review both APD and AIPA investigations.

Area for Consideration: Board Length of Term



- Due to extensive training requirements, Council may decide to extend the length of term from three years to four years.
 - Third term appointees who may exceed the 10-year service limit are permitted to complete their entire term.

▶ Board's Initial Training Requirements (Before Members Can Vote)

- ▶ 4-hours of ride-a-longs with APD.
- ▶ Eight hours of NACOLE training.
- ▶ Legal and ethical training (1 hour).
- ▶ *Training that an appointee undertakes within three months prior to his/her swearing in as a board member counts towards the appointee's initial training requirements.*

▶ Board's Annual Training Requirements

- ▶ At least 8 hours of ride-a-longs.
- ▶ 4 additional hours of civilian oversight training.
- ▶ Legal and ethical obligations.
- ▶ APD training on policies, systems, process, structure, and operations.

**Board Training and
Terms**



Next Steps for AIPA & ICPRB

1

- ▶ Memorandum of Understanding signed by Chief of Police and City Manger.

2

- ▶ Community Engagement and Feedback.



Request:

Adopt Subcommittee's recommendations #1 - 4 with consideration of Board Terms.

1. Board and Auditor Report to Council.
2. Auditor's Report on Garrity & Monitoring Role.
3. Subpoena Duces Tecum.
4. Board Review of Both APD and AIPA Investigations.
5. Decision on Length of Board Terms.

