

ARLINGTON COUNTY, VIRGINIA

HUMAN RIGHTS COMMISSION
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April 14, 2022
VIRTUAL MEETING VIA TEAMS
7 PM

AGENDA

- I. Member Walt Sargent called the meeting to order. Members present included William Rice, Stephan Kline, Walter Sargent, Steven Krieger, Roland Watkins, Shawn Pierce, Whytni Kernodle, Carole Lieber, and Fatima Argun. Executive Director Gurjit Chima was present on behalf of the Office of Human Rights (OHR). There were no members of the public present.
- II. Public Comments
 - None
- III. Updates from Police Practices Group
 - Member Whytni Kernodle gave an update
 - i. Member Sargent requested that Member Kernolde provide other members copies of the slides she was presenting for further review, so that members may come to the next meeting with more questions.
 - ii. Member Kernolde agreed to send out the slides.
 - She explained that the Police Practices Group was composed of four Subcommittees
 - i. The first subcommittee was focused on the Civilian Review Board (CRB)
 1. The subcommittee proposed a hybrid system with investigative & subpoena authority, composed of 7-15 members, and with a diverse membership reflective of the Arlington community. The proposed board would also have no current or former ACPD officers or employees.
 2. This CRB was named the Community Oversight Board (COB).
 3. Member Roland Watkins asked a question regarding this subcommittee. His question was: what was Member Kernolde's opinion on the final CRB? He also asked if she was concerned about the fact that there was a recommendation for an auditor, who would be independent of the county manager (i.e., appointed by and only answer to the county board). Member Watkins explained that the Virginia Governor recently vetoed a bill that would allow the County Board to appoint such an independent auditor; therefore, now the County Manager has authority over the auditor rather than the County Board.

- a. Member Kernolde answered that: yes, such authority for the county to create an independent auditor needed to be approved by the state government. She explained that now that the Governor vetoed such a bill allowing for that authority, that there was not much to be done by the county after that.
- ii. The second subcommittee focused on the role of the Arlington police department in providing mental health services. This subcommittee undertook the following work:
 1. Identified potential models for traffic enforcement that might be applicable to Arlington. This included driving, walking and biking. They also noted that distracted, impaired and reckless driving are all public safety concerns.
 2. Identified types of stops & reasons for them.
 3. Suggested regular independent audits, documentation of written consent of every vehicle/person searched, and improvements to data collection.
 4. Looked at equity in traffic enforcement. This included exploring the development of a sliding payment scale, which would include working with local courts and judges to investigate such a payment scale. This also included exploring the use of warnings to inform people of photo/red-light and speed cameras at various thresholds over the speed limit and light-expiration time limits.
 5. Looked at traffic enforcement policy. This included the issue of notification of rights around consenting to searches.
 6. Investigating traffic engineering & technology. This included red light cameras, traffic studies, etc., with an aim towards safety & addressing intentional and unintentional bias
 7. Looking at using police in a more proactive nature rather than reactive
- iii. The third subcommittee looked at the role of police in traffic enforcement
 1. This work included looking at crisis Intervention & proactive mental health services
 2. The subcommittee also explored co-response and mobile crisis. Everyone was in agreement that police officers should not be involved in mental health crises.
 3. They also examined alternative transportation & transfers
 4. The subcommittee explored the status of mental health data collection, and found it to be woefully short in this area.
- iv. The fourth subcommittee looked at the opportunity for alternative dispute resolution, including restorative justice & mediation. This work included:
 1. Identifying potential strategies in lieu of policing

2. Looking at the culture of calling 9-1-1
 3. Examining law enforcement response to calls
 4. Examining potential work with the Emergency Communication Center
 5. Identifying resources to resolve conflict between members of the community & law enforcement
 6. Exploring alternatives to and within the legal system
- The working group also involved an External Expert Assessment
 - i. This expert reviewed use of force, training & supervision, cameras, recruitment & retention, internal affairs, & data/statistics
 - ii. The working group will have the opportunity to review and reflect on the findings once they are submitted by the County
 - The working group held over 60 full & subcommittee meetings
 - OTHER MEMBER QUESTIONS
 - i. Member Shawn Pierce asked about the towing situation in Arlington – its impact on low-income individuals and about predatory towing. He asked whether the police department addressed this with towing company.
 1. Member Kernolde answered that because towing involves private companies & individuals, rather than criminal law, that the police aren't often involved. But, she added, it still does go to the same aspects of poverty relevant to policing that the working group looked at, including how often those who can't afford towing or tickets are overburdened by the system. She added that although this subject was not really a policing aspect, it was still related.
 - ii. Member Watkins asked if there is any move to reconvene the working group in light of issues that might arise after the group has issued its report. Specifically, he gave as an example issues around the ongoing negotiations going on between the county and the police union. He explained that such collective bargaining agreements often have provisions in relation to police behavior and actions. Member Watkins raised concerns that under such agreements, unions may have more authority to access information than citizens have.
 1. Member Kernolde answered that, at this point, she needs to take another read at what the charges are of the Community Oversight Board (COB) & that this might be role for them. She did not suspect the working group will be getting back together. She explained that this now likely will be the role for the COB.

IV. Member Kernodle gave an update on the State of Education Task Force

- She went over its history & vision. In addition she:
 - i. Displayed a number of questions for panelists
 - ii. Listed the probable panelists
- Member Kernodle explained that they were next looking at logistics, including date, time, & location

- i. There remains an open question of whether it will be virtual or in-person (in regards to level of COVID-19 cases)
- ii. Floated possible meeting in August to go over such matters
 1. Member Carole Lieber asked about the state of prior meetings in July that the commission used to have with the EEOC.
 2. Executive Director Gurjit Chima said that there is no indication of that yet.
 3. Member Sargent said he will talk to the Chair about this & make decision

V. Executive Director's Report

- The Commission will be receiving ordinance changes in next few days
 - i. The Commission will get feedback from the commission on that document
 - ii. Executive Director Chima added that hopefully there's consensus moving forward with putting those changes forward to the Board in June for adoption in July
- Executive Director Chima added that she received no comments or questions on the AAP report
- Recruiting for position currently vacant; EEO Investigator
- Member Lieber asked a question regarding the AAP report. She noted that there were no statistics on how we're doing overall; no goals; and nothing about hiring of people with disabilities. She explained that she viewed the report as deficient in a number of areas.
 - i. Executive Director Chima answered that the document is a template created to explain the numerous pages of data that go into analyzing everything. She explained that they share the report and the results, but not all the raw data. She also explained that they asked about the disability information. The answer they got was that the county was required to ask someone to self identify but that individuals were not required to give an answer. Only up to 1-2% of people supplied that information. Therefore, she explained, statistically there was not enough information there to analyze. She suggested having the vendor come to the next meeting, if they're free, to walk through the process and answer questions about the report.
- Member Stephan Kline asked when the reasons for the administrative dismissals are listed, is the office able to list how many of these dismissals are able to come back on appeal
 - i. Executive Director Chima answered that she is not sure if that is possible. But will check to see if there's some way of capturing that data.

VI. Statistical Reports

- Member Lieber asked about further information regarding the public accommodation complaint

- Executive Director Chima could not speak to it but said that Investigator Anna Maynard could later elaborate on that

VII. Extensions

- None

VIII. Member Reports

- Member Sargent gave an updated on the EEO Subcommittee.
 - i. He explained that the subcommittee now has all its member positions filled. This included Members Steven Krieger and William Rice. Member Sargent said he will set up meetings within the next month or so.
 - ii. Executive Director Chima said that the corresponding number of county representatives will be two: Tyson Stanislaus, Captain Fire Department & Telly Tucker, Arlington Economic Development of AED.
- Member Lieber gave the following updates:
 - i. She is still looking for volunteers for the Hunter Awards. She is also looking at more clarification on the what the roles should be.
 - ii. Member Lieber explained how she observed an ADA violation on a Boston bus. As a part of reporting this she noticed that the Boston Human Rights Commission did not include disability as a grounds for discrimination. Now Boston has added it as basis for discrimination. She noted this as an example of the good work & progress the Commission here in Arlington has already accomplished.
- New Commissioners introduced themselves.

IX. The meeting was adjourned

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