



## ARLINGTON COUNTY, VIRGINIA

HUMAN RIGHTS COMMISSION  
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**June 9, 2022**

**VIRTUAL MEETING VIA TEAMS**

**7 PM**

### **AGENDA**

- I. Chair Helen Connolly called the meeting to order. Members present included William Rice, Stephan Kline, Walter Sargent, Steven Krieger, Roland Watkins, Whytni Kernodle, Fatima Argun, Chris Wimbush. Investigations Lead Anna Maynard Anna Maynard was present on behalf of the Office of Human Rights (OHR). There were no members of the public present.
- II. Members of the Arlington NAACP presented on issues surrounding the deaths of seven Black and Brown men while in the custody of the Arlington County Sheriff.
  - Member Watkins gave a background introduction on the Arlington NAACP's work on seeking answers behind the number of deaths of Black and Brown inmates in the custody of the Arlington County Sheriff.
  - Arlington NAACP President Julius Spain then spoke about his organization's efforts:
    - i. Spain said that the NAACP doesn't feel the deaths have been adequately investigated. According to Spain, the NAACP has tried to work harmoniously & collectively with all stakeholders, including State & Local actors. Yet, Spain said, that after 2 years there is still no answer around how exactly Ford Becton died in Arlington County Sheriff custody. Since Becton's death there have been two additional deaths in custody.
    - ii. Spain added that the NAACP, even after engaging with various State and local government offices and entities, remains frustrated in not getting answers or sufficient transparency in regards to these deaths.
    - iii. Spain explained that in March Becton's family had filed a wrongful death suit against the jail, the Arlington County Sheriff, and several members of the jail's medical staff. In addition, the NAACP has sent a letter to the U.S. Department of Justice, Civil Rights Division asking them to investigate the patterns and practices at the Arlington County Detention Facility in relation to these deaths.
    - iv. Spain further explained that the NAACP strongly believes that the detention facility cannot be properly investigated without a truly independent investigation that goes inside the jail system to determine if there is a pattern or practice that is not in keeping with rule of law.
    - v. In addition, Spain then asked the Arlington Human Rights Commission what its ability is to help address the issue.

- Member Watkins then asked about the status of misdemeanor charges brought by the Commonwealth Attorney’s Office against an individual from the detention facility for falsifying records in relation to Becton’s detention and death.
  - i. Spain said that he was not sure of any recent updates. He added that he believes that more actions should be taken against outside of just the misdemeanor charge against this individual.
- Chair Connolly asked if the NAACP believes that there is any gap in the Human Rights ordinance that could be filled to help address this situation?
  - i. Spain answered that he will take a look at the ordinance and provide feedback in that regard.
- Chair Connolly also asked the NAACP’s view on how the Human Rights Commission could assist on this matter and about what role the Commission could play?
  - i. Spain said that the NAACP was looking for whatever was within the Commission’s power.
- Arlington NAACP Vice President Mike Hemminger then spoke and explained that he believed that the best way that the Commission can help is by adding a Letter of Support to the NAACP’s letter to the U.S. Department of Justice, Civil Rights Division requesting an independent investigation of the detention center.
- Member Watkins then asked the NAACP representatives to elaborate on the lack of transparency they were seeing and the difficulty they were having in getting information and responses from various offices and entities.
  - i. Spain explained that it has been very difficult to get any information. Even after receiving documentation from their Freedom of Information Act (FOIA) Request, Spain said, the documents were heavily redacted. Spain added that there has been little effort, in his opinion, to hold anyone accountable for these deaths.
- Chair Connolly asked if the NAACP had any information showing that there were insufficient practices happening at the detention center.
  - i. Spain pointed towards the Becton family’s lawsuit/complaint for that information. A link to the complaint was included in the NAACP’s letter to the U.S. Department of Justice, which was shared with the Commission. Spain also emphasized the inadequacy of hiring a contractor for a limited investigation.

III. Chair Connolly then proceeded to give the Chair Update:

- On the Human Rights Ordinance, Chair Connolly said that they will soon be getting red lines back from the County Attorney’s Office on what can and cannot be added of the Commission’s suggested edits. (e.g., Dillon rule limitations). She added that there will be a call early next week on this.
- Chair Connolly then mentioned that Member Pierce of the Equality Taskforce Network had asked if Arlington County had any policies or prohibitions against conversion therapy. Once it was determined that the County had no such

policies or prohibitions, Member Pierce provided some additional proposed edits to the ordinance that would add such policies and prohibitions.

- Member Wimbush asked to clarify that the Commission was aligned on what the outcomes of the discussion with County Attorney's Office should be. He asked to confirm that the focus was on getting a clean red line back from the County's Attorney's Office, not necessarily to achieve agreement but to simply be a little more crisp on what was being articulated to the Arlington County Board.
  - i. Chair Connolly agreed and added the caveat that the County Attorney's Office would also be looking at what Dillon Rule limitations there may be on what can and cannot be added to the Ordinance.
  - ii. Member Kline added that the County Attorney's Office also reworked phrasing that it did not prefer. Chair Connolly agreed that the edits also involved some wordsmithing.

#### IV. Approval of Minutes

- A vote was taken to approve the April Meeting Minutes. The vote unanimously passed.
- A vote was taken to approve the May Meeting Minutes unanimously passed. The vote unanimously passed.

#### V. Updates from Police Practices Group. Updates were provided by Member Whytni Kernodle

- Chair Connolly first asked if there were any additional updates since the Commission's last meeting?
  1. Member Kernodle answered that the only additional update was that the organization Arlington for Justice will be meeting with the new County Auditor.
- Chair Connolly then asked if there were any questions from Commissioners?
  - i. Member Wimbush asked about how the process been going in regards to the Community Oversight Board (COB)?
    1. Member Kernodle said that she has not heard anything super positive or negative. She added that the Board is just at the early stages of getting the system up and running. Member Kernodle said that there will likely be more updates after the meeting with auditor.
    2. Chair Connolly then asked if it was within the Community Oversight Board's scope to look into some of the issues the Arlington NAACP raised tonight.
      - a. Member Kernodle said that she does not believe that the Board's scope reaches those issues, but that does not preclude the Board from reaching out to the Sheriff to inquire about some of these issues.
      - b. Chair Connolly then asked what the best manner was in which the Commission could express to the COB its support to the NAACP in seeking answers.

- c. Member Rice asked if the Sheriff and thus the detention center were statutorily exempt from the COB's power under state law. He then agreed to look into the issue.
  - d. Member Kernodle answered that even if the COB did not have the power to investigate, it could still ask the Sheriff to tour the facility.
  - e. Member Watkins agreed, adding that in the past the Sheriff had been open to tours and other such actions. He added that it looks like as a part of the Commission's authorizing statute, that there was some broad language allowing for the Commission to engage in such issues.
- ii. Chair Connolly then summed up that the Commission's options include (1) a letter to the COB and (2) a letter of support for the NAACP's request to the U.S. Department of Justice, Civil Rights Division.
- iii. Member Kernodle said that the Commission and COB can inquire into why there were people with such mental and physical illness within the detention center in the first place, as opposed to being in a hospital or medical treatment facility. She added that while the Sheriff has to take in anyone who is presented to the facility by law enforcement, there is an avenue of investigation as to why these individuals were brought there by law enforcement in the first place.
- iv. Chair Connolly suggested that the Commission invite the Sheriff's Office to speak at the Commission's next or a subsequent meeting.
  - 1. Chair Connolly then asked if the Commission should wait on adding a letter of support until the Commission had spoken with the Sheriff at a subsequent Commission meeting.
  - 2. Member Kline expressed support for the idea of waiting to hear from the Sheriff. He added that by writing such a letter the Commission would be committing itself to do its own independent review. Member Kline added that inviting the Sheriff to come speak to the Commission may only be the beginning and not the end of the process.
  - 3. Member Watkins said that waiting to speak with the Sheriff may take too much time. He also added that he believes that the Commission is able, under its authorization statute, to forward requests and responses to other Federal and government bodies.
  - 4. Chair Connolly suggested as a compromise that the Commission put together a Letter of Support to the Department of Justice, Civil Rights Division that is measured in nature and limited in what it asks, focusing mainly on the request for an investigation.
  - 5. Member Kline agreed and said that he does not believe the Commission should be signing on to a letter with the NAACP to the Department of Justice, Civil Rights Division. Instead, he agreed that the Commission could write a separate letter that essentially

says the Commission finds the allegations troubling and that the Commission encourages an independent investigation.

- v. Chair Connolly then summarized what was agreed upon and called for votes.
  1. The Commission agreed to try to get the Sheriff on the docket for the Commission's July meeting.
  2. The Commission voted on sending a letter to the COB asking them to look into some of the allegations around the deaths at the detention facility. The motion passed unanimously. Chair Connolly agreed to begin composing the letter to then circulate to the rest of the Commission for additions and review.
  3. In the meantime, the Commissioners agreed to review and read the relevant documentation around these issues to be further informed on the subject (for example, the complaint from the Becton family's lawsuit).

VI. Executive Director's Report

- Nothing to report.

VII. Statistical Reports

- No questions

VIII. Extensions

- None

IX. Member Reports

- Subcommittee updates: None

X. Member Kline asked about the legislative suggestions for the County Board to give to the Arlington County General Assembly members.

- Chair Connolly explained that the Commission was asked by the County Board to provide the Commission's top three issues for the Board to take to the General Assembly for potential legislative action.
- Member Kline added that one of his concerns was about the various anti-transgender proposals that may be introduced in the General Assembly.
- Chair Connolly also mentioned that a potential issue to bring to the General Assembly's attention is the new policy on Commissions conducting virtual meetings.
- The Commission must provide its suggestions for the top three legislative issues for the General Assembly to the County Board by September 9, 2022.

XI. The meeting was adjourned

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