

**Arlington County, Virginia
Police Practices Group**

**Report and Recommendations
of the
Subcommittees
February 15, 2021**

Table of Contents

<i>Police Practices Group Members</i>	3
<i>Police Practices Group Subcommittees</i>	4
<i>Police Practices Group Initial Recommendations for the County Manager</i>	5
Overview	5
Additional Opportunities	6
Race and Equity in Arlington	6
<i>Police Practices Group Subcommittee Recommendations</i>	8
<i>Immediate Recommendations (< 1 year)</i>	8
Civilian Review Board	8
Traffic Enforcement	8
Mental Health Crisis Intervention	9
Alternative Dispute Resolution	10
<i>Short Term (1-2 years)</i>	12
Civilian Review Board	12
Traffic Enforcement	12
Mental Health and Policing	13
Alternative Dispute Resolution	15
<i>Long Term (> 2 years)</i>	16
Civilian Review Board	16
Traffic Enforcement	16
Mental Health and Policing	16
Alternative Dispute Resolution	16
<i>APPENDIX A: PPG Civilian Review Board Subcommittee</i>	18
<i>APPENDIX B: PPG Traffic Enforcement Subcommittee</i>	37
<i>APPENDIX C: PPG Mental Health Subcommittee</i>	50
<i>APPENDIX D: PPG Alternative Dispute Resolution Subcommittee</i>	67

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Note: The County Attorney, Commonwealth’s Attorney, and a representative from APS also serve as ex officio members of the group.

Special Thanks to Deborah Warren, Deputy Director Human Services and Charles “Andy” Penn, Acting Chief of Police, for generously giving their time to participate.

Police Practices Group Subcommittees

Civilian Review Board

Chair: Rodney W. Turner

Members:

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Kim Phillip

Latasha Chamberlain

Saul Reyes

Traffic Enforcement

Chair: Alison Carpenter

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Alternative Dispute Resolution

Chair: Devanshi Patel

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Elizabeth Jones Valderrama

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Police Practices Group Initial Recommendations for the County Manager

Overview

Following events involving policing and racial justice across the United States in the summer of 2020, the Arlington County Board asked the County Manager to lead a review of police policies and practices. While the Arlington Police Department (ACPD) continues to embrace a quality-focused, positive approach to community policing, the work of the Police Practices Group (PPG) has been intended to better understand areas of opportunity for ensuring that ACPD is current with policing best practices and continue to build trust between the police and the community. The County Manager launched a 15 member Police Practices Group in July 2020. The PPG divided into four unique subcommittees to address key issues of importance.

Civilian Review Board (CRB): The CRB subcommittee was charged with evaluating what type of civilian oversight of its police department Arlington County should implement. Considering the County Manager’s assumption that a Civilian Review Board will be created in the future, the CRB subcommittee focused on reviewing the different models of civilian oversight available as well as what authority and responsibilities the recommended civilian oversight body should possess.

Traffic Enforcement: The Traffic subcommittee’s charge was to “identify potential models for traffic enforcement that might be effective for Arlington County”. Throughout their work, they were sure that their exploration related to traffic stops and enforcement encompassed driving, walking, and biking. They also made an early assertion that distracted, impaired, and/or reckless driving **are** public safety concerns. As such, there was agreement that safety is a top priority, and the focus of their work was focused on several key areas: (1) Understanding reasons for traffic stops; (2) Understanding the demographics related to traffic stops; and (3) Exploring alternative enforcement strategies, including engineering and technology solutions.

Mental Health and Policing: The Mental Health subcommittee was charged with identifying roles for the police department in responding to crisis calls that involve individuals with mental health issues. Early on, the subcommittee recognized that it would be important to focus on systemic issues that included individuals with mental health issues and their families, the mental health system, the police department, and the legal system. This includes proactive treatment options, crisis intervention, and longer-term oversight and review protocols. And, they also asserted that systemic change would require working collaboratively within and across agencies.

Alternative Dispute Resolution (ADR): This subcommittee was charged with identifying potential approaches in lieu of traditional policing and alternative criminal justice strategies. The group recognized that systemic approaches were historically designed to disadvantage and disproportionately affect minority communities and focused on creating equitable solutions through alternative dispute resolution efforts. The subcommittee viewed their work in the context of police practices and the criminal legal system, emphasizing the critical role for education, training, and providing alternatives to those impacted. The subcommittee’s focus included: (1) The culture of calling 9-1-1; (2) Alternatives to law enforcement for preventing conflict and crime in communities; and (3) Alternatives to involvement in the criminal legal system.

These four subcommittees met for exploratory learning sessions separately from the full committee. Sessions were focused on reviewing existing policies, understanding existing and/or pending state legislation, exploring models for possible implementation, and gathering insights from members of the community, experts, and others. They also each hosted community learning sessions, a topic-specific stakeholder listening session, and gathered online feedback from the broader community.

This report includes a series of recommendations organized by subcommittee and into immediate (<1 year), short-term (1-2 years), and longer term (> 2 years) priorities. Additional materials for each subcommittee can be found in the appendix.

Additional Opportunities

Separately, an external assessment is being conducted by Marcia K. Thompson, Vice President at Hilliard Heintze, an attorney and law enforcement practitioner with more than 20 years working in the criminal justice field; and Dr. Julie Shedd, Associate Dean at the Jimmy and Rosalynn Carter School for Peace and Conflict Resolution at George Mason University. The assessment will include six key focus areas outlined below. The PPG will also have a chance to review this assessment that includes the areas below once completed and offer reflections and considerations for the County Manager.

- *Review of use of Force*: De-escalation tactics; lethal and non-lethal force; and foot and vehicle pursuits.
- *Training and Supervision*: Police Academy training; and training for implicit bias and crisis intervention.
- *Cameras*: Both body-worn and vehicle dash cameras; and policies regarding use of this equipment.
- *Recruitment and Retention*: Screening for bias; psychological evaluation; mental health programs; process for officer evaluation; promotion and leadership development programs; and compensation, including pay and benefits.
- *Internal Affairs*: Statistics; structures and procedures; effectiveness through an anonymous climate survey; grievance processes; and use of force investigations.
- *Data/Statistics*: Reviewing data collected for arrests and stops over the past 3 years and ensuring its consistency.

Race and Equity in Arlington

In September 2019, the County Board adopted an Equity Resolution. An equitable Arlington is one where all are valued, educated, healthy and safe regardless of race. As an employee, resident or business in Arlington, advancing racial equity is a county-wide priority across all aspects of government services to eliminate, reduce, and prevent disparities in policies, procedures practices, engagement, and interaction with and service to the community.

The County has recently appointed a new Chief Race and Equity Officer to advance a framework for Racial Equity across all aspects of Arlington County Government.

Arlington County's Racial Equity Goals

Normalize: A shared understanding, knowledge and terminology around racial equity within the organization and among the community. Racial equity is accepted as an imperative and priority throughout the organization and within the community.

Organize: A sustainable and supported structure to advance racial equity to include personnel and resources that become a defined and integral component of the organization and the system. Build the capacity of the organization and within the community and commit and dedicate resources to support identified areas of need.

Operationalize: Racial equity is a matter of principle in developing and considering the impact policies, plans, and decisions have on all residents as well as employees. Use the racial equity lens, tools and disaggregated data to identify where systemic and institutional racism presents itself and make the changes needed to dismantle it.

Assess: Every employee, resident and person who interacts with the County sees themselves in the work, the process, the system and structure. Evaluate and respond to changes in the workforce, culture, and community.

The work of the PPG is just one area of focus throughout the County. In November 2020, the County launched Dialogues on Race and Equity and invited residents to provide their perspectives; and hosted a series of conversations. Over 50 Arlington organizations have joined as partners to help advance the goals outlined in this effort. And, during their 2021 organizational meeting, every member of the Arlington County Board offered a renewed commitment to this work across our community.

Police Practices Group Subcommittee Recommendations

This section includes a culmination of all four subcommittee recommendations in order of priority recommendations: Immediate (< 1 year); Short term (1-2 years); and Long term (>2 years). Full subcommittee reports can be found in subsequent appendices.

Immediate Recommendations (< 1 year)

Civilian Review Board

1. Establish a Hybrid Civilian Oversight System with an auditor/monitor + a civilian-run oversight body with investigative and subpoena authority to provide oversight of the Arlington County Police Department. This recommendation includes a full-time staff member to support the work of the PPG and a contract for an auditor monitor. See Appendix A for composition, selection, terms, training, and responsibilities of a new CRB.

Traffic Enforcement

1. *Traffic Data*
 - a. Conduct regular independent audits to review data analysis on traffic stops and related data.
 - b. Ensure there is documentation of written consent of every vehicle/person consent search.
2. *Equity in Traffic Enforcement*
 - a. Develop a sliding payment scale for County-managed traffic (speed/red light) camera violations based on income levels and fixed expenses of violators.
3. *Traffic Enforcement Policy*
 - a. Strengthen the implementation of the ACPD biased-based policing policy (531.06, § IV.b.) to require written consent forms when requesting a vehicle search.
 - b. Review state legislation and identify potential policy actions allowable for local county governments related to reducing the number of pretextual stops during traffic enforcement. Commit to eliminating types of stops associated with pretextual policing.
4. *Traffic Enforcement/Engagement*
 - a. Expand use of signage and portable mobile displays to build awareness and change behavior.
5. *Traffic Safety Education/Training*
 - a. Integrate community policing programs into driver educational programs (adults/students) to highlight importance of driver safety, traffic stop processes and protocol, and other opportunities for traffic safety.
 - b. Conduct bike/pedestrian rodeos and other public safety education for diverse communities with different cultural backgrounds, languages, and experiences.

Mental Health Crisis Intervention

1. *Co-Response and Mobile Crisis*
 - a. Prepare clinicians for co-response so the Department of Human Services (DHS) is able to increase the frequency of co-response and ensure adequate staffing during days and hours with elevated mental health call volume, as determined by calls for service data.
 - b. Establish Emergency Communications Center protocol for co-response between police and human service clinician providers.
 - c. Initiate transition from Co-Responder to Mobile Crisis Unit. Reassign or hire additional staff as appropriate, expanding recruit pool to include students working on licensure, peers, and individuals eager to do this type of work.
 - d. Ensure Crisis Intervention Center (CIC) is 24/7/365 drop-off center for police, Emergency Services, and others (e.g., family members). Reassign or hire additional staff as appropriate, including clinicians, nurse practitioners, physician assistants, psychiatrists, and non-police security professionals.
 - e. Establish a plan for ACPD to use CIC as a drop-off for police when safely feasible. Establish security and chain of custody protocols from police to CIC staff.
 - f. Increase security guard staffing at the Crisis Intervention Center (CIC) in lieu of ACPD to allow for chain of custody transfer for Temporary Detention Order (TDO) standbys.
 - g. Use data and after-action reviews to determine the efficacy of the Co-Responder program and identify necessary adjustments.
2. *Alternative Transportation and Transfers*
 - a. Maximize use of a contracted alternative (non-police) transport service in Arlington, with a long-term goal of handling 100% of emergency custody orders (ECO) and TDO related transport.
 - b. Procure specialized or retrofitted vehicles for transition to Mobile Crisis, as appropriate.
 - c. Identify staffing needs, funding requirements, and funding sources for Mobile Crisis and CIC drop-off center to meet the needs of the community and providers.
3. *Mental Health Data and Evaluation*
 - a. Establish a quality assurance system to ensure DHS follows-up with crisis callers to check that individuals are connected to services. This includes Arlington callers reaching out during crisis to the Children's Regional Crisis Response, DHS Emergency Services, and the Arlington County Police
4. *Mental Health Staff Training and Public Education*
 - a. Increase percentage of ACPD officers trained in Crisis Intervention Training (CIT) by the DHS Behavioral Health Division (BHD), with a goal of 100% of Officers, Corporals, and Sergeants in the Operations Division trained by 2023. Determine need for advanced and/or refresher CIT.
 - b. Create a public awareness campaign about the CIC and other DHS services and how to access them.
5. *Mental Health Policy and Funding*
 - a. Identify and initiate processes for any necessary legislative changes.
 - b. Work to amend state laws so that law enforcement is not required to execute a TDO.
 - c. Pursue federal, state and other funding sources to implement 2021 recommendations in 2022.

Alternative Dispute Resolution

1. *Campaign on the Proper Use of 9-1-1 Resources*

- a. The County should launch a strong public-private campaign on the proper use of 9-1-1 resources and, at a minimum, include information on the resources currently available in lieu of police response. The messaging should be ongoing, and a website should be created.
- b. The County should launch a strong public-private campaign that promotes a shift in Arlington's culture on the use of 9-1-1 from one that captures every community need to one in which valuable police resources are used in emergency and public safety matters.
- c. The County should fund and support community organizations working in minority communities in which there is a distrust for law enforcement to establish a strong police-community relationship.
- d. The County should support a robust community policing program based on authentic relationships with minority communities.
- e. The County should launch a strong public-private campaign that educates the community and agency stakeholders in bias. Messaging should be clear that the differences among community members should not be the basis for 9-1-1 resources. County messaging should focus on how community members can better evaluate the need for 9-1-1 resources in particular circumstances through an anti-racism mindset.
- f. The County should encourage a culture of diversity and promote diversity and inclusion in its decision-making and leadership. ACPD actively seeks diverse candidates, and the County should continue these efforts. The County should ensure diversity in its leadership within the criminal legal system. Diversity of experience and ideas promotes equitable outcomes for those impacted.
- g. The County should evaluate justice-based policies and procedure and ensure that they are anti-racist. This may require the creation of a diverse working group comprised of legal professionals, police officers, and the community.
- h. The County should develop anti-racism, equity-based goals for its performance plans for the criminal legal system (from entry to exit).

2. *Law Enforcement Response to 9-1-1 Calls*

- a. The County should provide any necessary funding to evaluate data collection needs and analysis capabilities and what additional data is necessary to accomplish the recommendations of the four (4) subcommittees.
- b. County should review police practices and procedures to ensure alignment with the Virginia Court of Appeals ruling in *Herrington*.
- c. Moreover, substantive training provided to law enforcement officers on requests for identification should focus on bias and promote anti-racism protocols.

3. *Emergency Communications Center (ECC)*

- a. The County should provide regular and consistent anti-racism training to ECC dispatchers.
- b. The County should encourage a culture of diversity and promote diversity and inclusion in its decision-making and leadership. Diversity of experience and ideas promotes equitable outcomes for all impacted by calls for service.
- c. The County should commence a campaign that provides information regarding services alternatives to calling 9-1-1 in non-public safety matters.

- d. Data collection and analysis should be reviewed and expanded to better understand the present and future needs for the community and users of the 9-1-1 and (703) 558-2222 (*i.e.*, non-emergency number) to guide decision-making and resource allocation.
4. *Resources to Resolve Conflict Between Community Member and Law Enforcement*
 - a. The County should fund community-based organizations experienced in conflict resolution to resolve matters between law enforcement and aggrieved community members.
 - b. The County should promote the availability of such resources to the community.
 - c. The County should support community-based organizations that serve minority communities so that they can assist in advancing the goals of establishing or advancing police-community relationships.
 5. *Alternatives to and Within the Legal System.*
 - a. The County fund and support community-based programs that provide diversion opportunities to young people and adults so that they do not enter the legal system.
 - b. The County fund and support the expansion of current court diversion programs that keep youth from formal involvement in the juvenile legal system.
 - c. The County fund and support the expansion of current court diversion programs that allow adults to be released with supportive services pending adjudication on criminal matters.
 - d. The County fund and support the expansion of programs for court-involved people that address substance use/abuse and mental health so that they do not continue cycling through the criminal system.

Short Term (1-2 years)

Civilian Review Board

1. *Operating the Hybrid Civilian Oversight System*
 - a. After hiring an independent auditor/monitor and the selection of Arlington residents to serve on the civilian oversight body, Arlington's hybrid civilian oversight system will operate in accordance with the rules and parameters established in Year 1.

Traffic Enforcement

1. *Traffic Data*
 - a. Make improvements to data collection to enhance the ability to more easily pull and analyze information about traffic stops by demographics, ACPD districts/beats, outcomes, and actions.
 - b. Ensure that written consent documentation of every vehicle/person consent searches is included and recorded as part of the data capture.
 - c. Define key performance indicators and benchmarks.
2. *Equity in Traffic Enforcement*
 - a. Work with local courts and judges to explore development of a sliding payment scale (as opposed to fee based) for individuals convicted of traffic violations striving for a more equitable income-based approach for payment/penalties.
3. *Traffic Enforcement Policy*
 - a. Establish career path goals aligned with an equitable approach to traffic enforcement based on data (e.g., equipment and regulatory stops for traffic stops).
 - b. Continue to increase recruitment and hiring of a more diverse ACPD workforce.
4. *Traffic Engineering/Technology*¹
 - a. Advocate with the Virginia State Legislature for increased ability to expand red light cameras beyond current restrictions; and speed cameras beyond construction and school zones . Automated ticket enforcement has the potential to improve safety, reduce unnecessary interactions between residents and police, and further advance confidence in equitable outcomes by reducing or eliminating the possibility of race- and ethnicity-based disparities in traffic enforcement.
 - b. Employ or contract a Civilian Traffic Analyst to conduct analysis of traffic safety occurrences and align technology with evidence-based criteria.
 - c. Increase the number of traffic studies to ensure implementation of red-light photo cameras at intersections that meet the criteria.
 - d. Complete the incorporation of Vision Zero into transportation safety plans; form an advisory group that is made up of existing traffic and transportation related committees to advise special ACPD operations staff.

¹ While the PPG Traffic Subcommittee acknowledges the benefits of technology and engineering solutions, they also recognize that technology alone will not solve the issues and that care and attention need to be focused on placement to avoid unintended bias.

5. *Traffic Enforcement/Engagement*
 - a. Utilize traffic stops primarily for traffic safety violations.
 - (i) Recognize that traffic stops provide a positive opportunity for community engagement.
 - (ii) Focus traffic enforcement stops on traffic safety violations with an opportunity for traffic safety education and engagement.
 - (iii) Discourage traffic stops based solely on regulatory and/or equipment violations.
 - (iv) Beyond traffic safety, traffic stops should only be conducted when explicit dangerous behavior is present.
 - (v) Reduce/eliminate pretextual traffic stops, using traffic safety as the focus for traffic stops.
6. *Traffic Safety Education/Training*
 - a. Integrate education and awareness regarding drug/alcohol traffic safety as part of health/education classes.

Mental Health and Policing

1. *Mental Health Crisis Intervention*
 - a. Establish full transition from Co-Responder to Mobile Crisis Unit. Use relevant data to fine-tune program.
 - b. Minimize ACPD involvement in mental health calls to lowest and safest possible frequency and circumstances.
2. *Proactive Mental Health Services for Children*
 - a. Empower APS and DHS to develop and implement a plan to place clinicians in schools (before, during and/or after school hours to reduce stigma, missed class time, and transportation barriers to accessing evidence-based treatment services).
 - b. Modify the Second Chance program so it is held on weekends, restructured as 2-hour sessions over eight weeks. Ensure equity of access by informing all parents of middle and high school students about this program
 - c. Establish ability for DHS to bill a variety of insurance plans for children's mental health and substance abuse services, as is done for adult services
 - d. Establish DHS billing system to charge insurance for children's mental health and substance abuse services, as they do for adult services.
3. *Proactive Mental Health Services for Young Adults (YA)*
 - a. Empower DHS to develop and implement a true First Episode Psychosis (FEP) program to intensively treat eligible teens and young adults ages 15-30. Seek funding for this evidence-based program.
 - b. Empower DHS to engage YA clients in social, educational and volunteer activities both one-on-one and in groups.
4. *Proactive Mental Health Services for All Adults, Children and Families*
 - a. Establish and implement a DHS plan to use staff to increase community-based outreach and evidence-based treatment, including alternative strategies for clients who miss appointments.
 - b. Establish and implement a protocol for staff to meet adult clients upon release from jail, step-down, or hospital to ensure they have medications and/or upcoming appointments. Assist clients in resolving any barriers to ongoing treatment (e.g., medication,

- transportation, housing).
 - c. Establish and implement a DHS plan to use staff to “engage” individuals in need of mental health or substance abuse services but who are not yet clients; encourage them to voluntarily participate in treatment.
 - d. Empower DHS to develop a card with essential contact numbers for assistance. County agencies can provide to their clients and the public. Distribute it community-wide.
 - e. Ensure that DHS continues to work with hospitals to improve discharge planning and coordination for clients, ensuring patients are discharged with plans for ongoing care.
 - f. Develop a notification and referral system to DHS when Arlington residents are declined hospital psychiatric/mental health admission.
 - g. Empower DHS mental health and substance abuse staff to increase community-based outreach and treatment using evidence-based services; and follow-up with individuals turned away from voluntary hospital admission to provide them linkage to services.
5. *Mental Health and the Legal System*
- a. Empower Commonwealth Attorney to develop and implement guidelines to maximize use of pre-charge diversion while reducing public safety risk and negative impacts of court involvement and incarceration. Plan to include probation violators in the behavioral docket and drug court.
 - b. Utilize authority to maximize use of mandatory outpatient treatment.
 - c. Working directly with the Commonwealth Attorney Office, create Behavioral Health Docket in both the Circuit and JDR Courts. And, seek approval and funding from the State as needed.
 - d. Empower JDR court services collaborate with neighboring jurisdictions to offer Multi-Systemic Therapy; and seek funding as needed.
6. *Substance Abuse Treatment*
- a. Empower DHS to develop and implement a full array of substance abuse evidence-based treatment services **for all ages**, including residential and outpatient programs. Seek funding for implementation.
 - b. Provide Acceptance and Commitment Therapy (ACT) programs for inmates in jail less than nine months and offer in modular segments.
7. *Mental Health and Services for People Experiencing Homelessness*
- a. Develop and implement a plan to provide shelter placement for those single adults with less than 90 days residency in Arlington who desire it when shelter capacity permits. (Requiring 90 days residency in Arlington for those who desire shelter placement poses a barrier to sheltering chronically homeless single adults who often move between jurisdictions.)
 - b. Develop additional housing options as needed.
Empower DHS staff to actively engage shelter residents and other chronically homeless residents to voluntarily participate in evidence-based treatment.
8. *Mental Health Policy*
- a. Create a mechanism for providing oversight and accountability of PPG mental health recommendations and related plans. Recommend this is in coordination between a Judge on the General District Court and the County Manager’s Office.

Alternative Dispute Resolution

1. *Campaign on the Proper Use of 9-1-1 Resources*
 - a. The County should prosecute clear cases of racially motivated 9-1-1 calls under Virginia Code Section 18.2-461(Falsely Summoning Law Enforcement); however, recognizing that most circumstances will be difficult to charge, it is necessary to focus on educating the community on systemic racism. No member of the community is immune from its harmful impacts; specifically, its impact on individual perception. Regular training should be given to all law enforcement, emergency center dispatchers, and legal system professionals on bias. Training should employ an anti-racism philosophy that encourages self-awareness and examination.
2. *Law Enforcement Response to 9-1-1 Calls*
 - a. The County should revise and amend Section 17-13(C) (Refusal to Identify Oneself at the Request of a Police Officer) of the Arlington County Ordinance.
3. *Emergency Communication Center*
 - a. The County should expand ECC operations to allow dispatchers to respond to calls beyond its current binary protocol.
4. *Alternatives to and Within the Legal System*
 - a. The County fund and support expansion of court dockets that promote access to substance use/abuse and mental health services.
 - b. The County fund and support the creation of a program that implements non-judicial sanctions for misdemeanor and low-level offenses so that court-involved persons can avoid a criminal record.

Long Term (> 2 years)

Civilian Review Board

1. *Evaluate and Modify the Hybrid Civilian Oversight System as needed.*
 - a. After a few years of operation, the County Manager and/or the County Board, with input from the civilian oversight body, will evaluate the effectiveness of the existing civilian oversight system. If warranted, modifications to the system will be proposed and, if agreed upon, implemented.

Traffic Enforcement

1. *Traffic Data*
 - a. Measure officer performance against established indicators and benchmarks.
2. *Equity in Traffic Enforcement*
 - a. Utilize warnings for photo/red-light and speed camera violations at various thresholds over the speed limit and light expiration time limits, and/or consider a first warning prior to issuing a financial penalty.
3. *Traffic Enforcement Policy*
 - a. Consider expanding the use of traffic safety (unsworn) officers or Sheriff's deputies for traffic safety education, traffic direction/control, parking enforcement, scooter congestion, pedestrian safety, bike lane parking, and other related traffic activities.
4. *Traffic Safety Education/Training*
 - a. Implement training for each individual officer on key indicators and benchmarks related to traffic stops.

Mental Health and Policing

1. *Proactive Mental Health Services*
 - a. Fully implement First Episode Psychosis program.
 - b. Region offers Multi-Systemic Therapy for those children who would benefit.
 - c. Implement Behavioral Health Dockets in Circuit Court and JDR Court.

Alternative Dispute Resolution

1. *Evaluate and Assess Performance Measures*
 - a. Implementation of the public-private 9-1-1 campaign and the use of 9-1-1 resources.
 - b. Implementation of community-police relational programs to address distrust of law enforcement in minority communities and promote public safety.
 - c. Implementation of a public-private anti-racism campaign to educate the public on racial equity and social justice.
 - d. Implementation of a robust anti-racism training program for law enforcement officers, criminal legal system personnel, and ECC personnel.
 - e. Recruitment of diverse county leaders, decisionmakers, and personnel in the criminal legal field, law enforcement, and the Emergency Communications Center.
 - f. Revision of Section 17-13(C) of the Arlington County Ordinance, and other ordinances, to align with legal precedent and racial equity goals.

- g. Implementation of a comprehensive Emergency Communications Center that moves beyond the binary protocol.
- h. Implementation of data collection protocols to evaluate racial justice goals.
- i. Allocation of resources to community-based organizations to support conflict resolution programs and diversion programs.
- j. Allocation of resources to expand current court diversion programs and provide services to avoid pre-adjudication incarceration.
- k. Allocation of resources to expand the provision of services in order to interrupt continued criminal legal system involvement.
- l. Allocation of resources and implementation of an independent program that disrupts mass criminalization by utilizing non-judicial sanctions for misdemeanor and low-level offenses.

APPENDIX A: PPG Civilian Review Board Subcommittee

Table of Contents

Overview	19
Subcommittee Recommendations	21
Materials Reviewed	25
Civilian Review Board Models and Related Examples	26
A. Review-focused Models	26
B. Investigation-focused Models	26
C. Auditor/monitor-focused Models	28
D. Hybrid Civilian Oversight Models and Systems	28
Virginia Law-enforcement Civilian Oversight Bodies Legislation	30
Suggested Pros/Cons for Various Models	31
Opportunities Identified	31
Presentations & Insights	32
Stakeholder Roundtable	33
Online Community Feedback	35
References	36

Overview

The Civilian Review Board (CRB) subcommittee was charged with evaluating what type of civilian oversight of its police department Arlington County should implement. Considering the County Manager's assumption that a Civilian Review Board will be created in the future, the CRB subcommittee focused on reviewing the different models of civilian oversight available as well as what authority and responsibilities the recommended civilian oversight body should possess.

The CRB subcommittee approached their tasks in the following ways:

- **Reviewed Materials:** Through Dec. 17, 2020, the CRB subcommittee has conducted 13 subcommittee meetings and one Community Learning Session. In preparation for and during these meetings, the CRB Subcommittee has reviewed a variety of materials.
- **Review CRB Models:** The committee went to great lengths to review four models and look at related examples.
- **Presentations:** During the 13 subcommittee meetings and one Community Learning Session, the CRB Subcommittee heard presentations from a variety of experts with different experiences and perspectives.
- **Hosted Stakeholder Roundtable:** On October 26, 2020, the CRB hosted a stakeholder roundtable that included 17 community members who represented a cross-section of the Arlington community.
- **Community Feedback:** Members of the community were invited to provide online written feedback that resulted in 55 comments with several key themes.

Types of Questions Asked:

- *What are the issues/concerns in Arlington that civilian oversight of ACPD needs to address?*
- *What form (or model) of civilian oversight will best address these issues/concerns?*
 - Review-focused?
 - Investigation-focused?
 - Auditor/Monitor-focused?
 - Hybrid?
- *What authority and responsibilities should the civilian oversight body possess?*
 - Review completed police internal investigations, conduct its own investigations, or both?
- *What is the role of CRB in having subpoena power?*
 - Hear appeals from complainants or subject officers?
 - Receive civilian complaints and forward to ACPD for investigation or conduct its own investigations of such complaints?
 - Recommend case dispositions, discipline or revised departmental policies and procedures?
 - Hold public forums?

- Conduct community outreach?
- Focus on broader policy issues for ACPD?

- *Who should serve on a civilian review board, and how many members should be considered?*
 - Which communities do the members need to represent?
 - Qualifications to be a member?
 - How should members be selected?
 - What type of training should members receive?

Subcommittee Recommendations

Hybrid System of Civilian Oversight

The CRB Subcommittee recommends that Arlington County should adopt a hybrid system of civilian oversight with an auditor/monitor + a civilian-run oversight body (immediate).

- **Majority Recommendation:** The majority of subcommittee members recommend that the auditor/monitor + civilian oversight body should be invested with investigative and subpoena authority, as allowed by Virginia’s enabling statute.
- **Minority Recommendation:** A minority of subcommittee members recommend that the auditor/monitor + civilian oversight body should initially be empowered to review completed ACPD investigations with clearly defined jurisdiction for the conduct to be reviewed by the auditor/monitor and the civilian oversight body. Accordingly, the minority recommends that neither the auditor/monitor nor the civilian oversight body be given investigative or subpoena authority at this time.

Elements of the Hybrid System of Civilian Oversight:

A. Civilian Oversight Body: Composition, Selection & Term, Training, and Staff

1. Composition:

- a. Comprised of an odd number of members totaling 7 to 15 members from the Arlington community.
- b. Members must be diverse and reflective of the diversity of the Arlington community.
- c. No current or former ACPD officers or employees may serve, but former officers (or members of law enforcement) from other jurisdictions are eligible to serve as a non-voting member.
- d. Current Arlington County gov’t. employees eligible but must be cleared for potential conflicts of interest.
- e. Members must be residents of Arlington County.

2. Selection & Term:

- a. Members selected by County Manager and County Board by alternate selection
- b. Members will serve 4-year terms and may serve a total of two terms (or eight years).
 - (i) For initial oversight body, the terms for the members will be staggered. Some members will be appointed for full 4-year terms and others will be appointed for 2-year terms.
 - (ii) The members appointed for 2-year terms will be eligible to serve two full 4-year terms in addition to their initial 2-year term. Thus, they will be eligible to serve for a total of 10 years on the oversight body.

3. Training:
 - a. Specialized version of ACPD's Citizen Police Academy.
 - b. Use of force.
 - c. Mental health.
 - d. Substance abuse.
 - e. Privacy/confidentiality training re: ACPD records.
 - f. Parliamentary procedure (*i.e.*, Robert's Rules of Order) or similar rules for conducting meetings.
4. Staff:
 - a. Civilian oversight body must have, at least, one person to serve as support staff.

B. Auditor/Monitor

1. Start with a contracted consultant who reports to County Manager.
2. Must have prior experience auditing/monitoring/investigating law enforcement agencies.
3. Auditor/Monitor must have, at least, one person to serve as support staff who is not shared with the civilian oversight body.

C. Majority Recommendation: {Four votes in support}

(Per the charge, this recommendation is focused on civilian oversight of ACPD. If, however, the General Assembly authorizes civilian oversight of sheriff offices, this recommendation applies to the Arlington County Sheriff's Office as well.)

1. **Investigative & Subpoena Authority** – Auditor monitor + civilian oversight body. In addition, other methods of compelling or obtaining production of information/records (*e.g.*, local ordinance, voluntary agreement with ACPD, etc.) should be adopted.
 - a. Investigative authority to be exercised on a limited basis for those matters for which the auditor/monitor + civilian oversight body determine that an independent investigation is needed.
 - b. Investigations to be conducted by the auditor/monitor.
 - c. Subpoena authority exercised only after efforts to obtain information/records voluntarily from ACPD have been exhausted.
 - d. Before applying for a subpoena, the civil oversight body will escalate its request up to the County Manager. If escalation is unsuccessful, the civil oversight body may apply for a subpoena.
2. **Review Authority** – Auditor/monitor + civilian oversight body will have authority to review completed ACPD investigations.
 - a. Auditor/monitor will receive ACPD internal investigation reports before they are issued to assess thoroughness and sufficiency and be given the

authority to recommend changes to a report before it is issued, including a recommendation that additional investigative steps be taken.

3. **Make Binding Disciplinary Determinations** – Civilian oversight body will have authority, in consultation with the ACPD Police Chief, to make binding disciplinary determinations for ACPD officers who have been found to have committed serious breaches of ACPD procedures or professional standards.
4. **Receive Complaints** – Auditor/monitor + civilian oversight body will have authority to receive complaints from the public against ACPD and the discretion to determine whether the complaints should be passed on to ACPD for investigation or should be investigated by the auditor/monitor.
5. **Advise on Policies and Procedures** – Auditor/monitor + civilian oversight body will have authority to review and make recommendations regarding ACPD on policies and procedures.
6. **Issue Public Reports** – The auditor/monitor will have the authority to issue public reports to County Manager and County Board regarding its review of internal investigations and ACPD’s policies and procedures.
7. **Engage with Community** – Civilian oversight body will have the authority to hold public meetings and share information with the public to promote transparency.

Advantages/Disadvantages of Majority and Minority Recommendation:

- Advantages:
 - An independent civilian oversight body with sufficient authority, resources, and capabilities to perform effective oversight of ACPD will promote transparency and build trust between ACPD and those parts of the Arlington community that currently have a challenging relationship with the department.
 - A civilian oversight body with the recommended authority and responsibilities can provide a fresh perspective to ACPD regarding its existing policies and procedures and can partner with ACPD to provide insights on how to improve those policies and procedures.
 - A civilian oversight body with the recommended authority and responsibilities will be viewed as a credible agency to which the community can bring its complaints and be assured that those complaints will be taken seriously and treated fairly.
- Disadvantages:
 - An auditor/monitor + civilian oversight body with the recommended authority and resources will be more expensive than a purely volunteer civilian review board.

- ACPD considers the establishment of a civilian oversight body with the recommended authority and responsibilities in the majority recommendation will be interpreted as an indication of a lack of trust in ACPD.

Operating the Hybrid Civilian Oversight System

After hiring an independent auditor/monitor and the selection of Arlington residents to serve on the civilian oversight body, Arlington's hybrid civilian oversight system will operate in accordance with the rules and parameters established in Phase 1 (short term).

Evaluating and Modifying the Hybrid Civilian Oversight System

After a few years of operation, the County Manager and/or the County Board, with input from the civilian oversight body, will evaluate the effectiveness of the existing civilian oversight system. If warranted, modifications to the system will be proposed and, if agreed upon, implemented (long term).

Materials Reviewed

Through Dec. 17, 2020, the CRB subcommittee has conducted 13 subcommittee meetings, one Community Learning Session, and one Stakeholder Roundtable Session. In preparation for and during these meetings, the CRB subcommittee has reviewed a variety of materials including the following:

- The National Association for Civilian Oversight of Law Enforcement (“NACOLE”) materials regarding civilian oversight
- FAQs – National Association for Civilian Oversight of Law Enforcement
- Models of Oversight (NACOLE Pre-publication Summary, June 1, 2020)
- Recommendations for Effective Practices (NACOLE Pre-publication Summary, June 1, 2020).
- Thirteen Principles for Effective Oversight (NACOLE Pre-publication Summary, June 1, 2020)
- Civilian Oversight of Law Enforcement: A Review of the Strengths and Weaknesses of Various Models (September 2016)
- Civilian Oversight of Law Enforcement: Assessing the Evidence (September 2016)

Materials regarding civilian oversight in other jurisdictions:

- Initial Police Civilian Review Board Report for Charlottesville, VA
- Virginia Beach, VA Investigation Review Panel
- Nashville, TN Community Oversight Board
- Houston, TX Independent Police Oversight Board
- Fairfax County, VA Police Civilian Review Panel & Fairfax County, VA Independent Police Auditor

Bills/Legislation regarding law-enforcement civilian oversight bodies:

- SB 5035 – Law-enforcement civilian oversight bodies; localities may establish, duties, effective date
- HB 5055 – Law-enforcement civilian oversight bodies; localities may establish, duties, effective date

Other sources:

- Citizen Review of Police: Approaches & Implementation
- Civilian Oversight of the Police in Major Cities

Civilian Review Board Models and Related Examples

A. Review-focused Models

- Represent the earliest and most common form of civilian oversight in the U.S., accounting for nearly 62% of civilian oversight agencies in the U.S.
- In most basic form, review-focused agencies provide community members outside of and unaffiliated with the law enforcement agency with an opportunity to review the quality of misconduct complaint investigations performed by the overseen department.
- Have varying levels of authority.
- Can review completed internal investigations.
- Are often permitted to receive civilian complaints and forward them to the department for investigation, and can:
 - remand cases back to the department's internal affairs unit for further investigation;
 - hear appeals from complainants or subject officers;
 - recommend case dispositions, discipline or revised departmental policies and procedures;
 - hold public forums; and
 - conduct community outreach.

Example:

Virginia Beach Investigative Review Panel (IRP) (Population: 449,974)

- IRP ensures that reports and conclusions of the Police Department's Internal Affairs Office investigations involving abuse of authority or other serious misconduct are complete, accurate, and factually supported;
- An IRP review of a police dept. internal affairs investigation of alleged abuse of authority or other serious misconduct is initiated after receiving a request from a complainant; and
- The IRP may:
 - concur with the findings of the police department investigation;
 - advise the City Manager that the findings are not supported by information reasonably available to the police is not appropriate for review by the IRP; and/or
 - recommend to the City Manager that a specific Police Dept. policy or procedure be revised or amended.
- Composition:
 - Five-member panel, volunteer panel w/ two alternates appointed by City Council;
 - Serve three-year terms; and
 - Cannot be an officer or employee of the city.

B. Investigation-focused Models

- Are the second most common form of civilian oversight in the U.S.
- Employ professionally trained investigative staff to conduct investigations of allegations of misconduct independently of the overseen department's internal affairs unit or replace critical functions of a standard internal affairs unit altogether.
- Can vary greatly both in terms of authority and organizational structure **but tend to be the most cost- and resource-intensive forms of oversight given their staffing needs.**

- Typically have greater access to law enforcement records and databases than review-focused agencies, particularly with regards to body-worn camera and in-car video.
- **Are more likely to have the ability to subpoena documents and witnesses than either review-focused or auditor/monitor-focused models in order to expedite the collection of evidence.**
- Some include a volunteer board or commission.
 - The roles of these boards or commissions can vary greatly.
 - In some cases, the board or commission acts in an advisory capacity or a leadership capacity.
 - Some may conduct votes to initiate investigations, issue subpoenas, and determine the dispositions of misconduct allegations based on staff investigations.
 - Other boards or commissions hold public hearings, conduct community outreach, determine policy-related matters the agency should investigate further, or make specific policy recommendations.

Example:

Memphis Civilian Law Enforcement Review Board (CLERB) (Population: 1,150,000)

- CLERB is an independent agency with the authority **to investigate** allegations of misconduct filed by citizens of the public against the Memphis Police Department (MPD).
- CLERB has the power to:
 - receive,
 - investigate,
 - hear cases,
 - make findings, and
 - recommend action on complaints regarding:
 - excessive and deadly force,
 - injuries occurred while in police custody,
 - harassment by police,
 - improper arrests,
 - inadequate investigations,
 - or any other improper conduct by a member of MPD.
- CLERB reports its findings to the Memphis Police Department.
- Composition:
 - Consists of no more than 13 members (currently eight members) appointed by the Mayor (with City Council approval) and comprised as follows:
 - A law enforcement official or person with a background in criminal justice;
 - A member of the clergy;
 - A medical official;
 - One attorney; and
 - Citizens at-large.
 - Members serve four-year terms or until their successors are appointed and qualified.
 - CLERB is authorized to have a staff of, at least, three members (an administrator and a minimum of two support persons, including an investigator).
 - Current staff composition:

- Admin.;
- Investigator; and
- Sr. Asst. City Atty. & CLERB Liaison

C. Auditor/monitor-focused Models

Relatively recent innovation spurred by a desire to promote systemic change in law enforcement agencies through policy and trend analysis.

- This model has emerged as a result of political compromises between community activists pushing for civilian oversight and law enforcement agencies opposed to civilian review boards or independent investigative agencies.
- **This model is typically less expensive than investigation-focused models, but more expensive than review-focused models.**
- Sometimes referred to as inspectors general or police monitors, these types of oversight agencies tend to vary more in terms of authority than organizational structure.
- Generally created to promote broad organizational change by addressing systemic issues, analyzing patterns and trends, and addressing deficiencies in policies and procedures.
- Their work may cover virtually any aspect of the overseen law enforcement agency such as complaints, discipline, training, staffing and recruitment, use of force, and crime prevention strategies.
- Typically issue recommendations regarding any aspects of the law enforcement agency that are in their purview.

Example:

The Office of Independent Police Auditor (IPA), San Jose, CA (Population: 1,033,670)

The IPA is a government agency separate and independent of the San Jose Police Department that was created to increase confidence in the police department by listening to the community, by suggesting good policy changes, and by making sure that the department addresses officer misconduct. The IPA is staffed by six employees, including the Independent Police Auditor, an Assistant Independent Police Auditor, two senior analysts, one analyst, and an office specialist.

D. Hybrid Civilian Oversight Models and Systems

Civilian oversight agencies – particularly newly established ones – are increasingly adopting forms of oversight that go beyond the traditional *review-focused*, *investigation-focused*, and *auditor/monitor-focused* delineations by combining functions of several models.

Hybrid civilian oversight exists in two ways:

1. *Hybrid Agencies* - an agency may primarily focus on one oversight function while also performing other functions, such as reviewing internal investigations and auditing policy compliance.
2. *Hybrid Systems* – a single jurisdiction may have multiple agencies overseeing the same department, such as an independent investigative agency and an inspector general, or a monitor

agency and a civilian board acting in an advisory capacity to the law enforcement and/or other civilian oversight agency.

- Hybrid forms of civilian oversight are increasingly common, but several jurisdictions have also created multiple agencies responsible for performing different oversight functions of the same law enforcement department.

Examples:

Fairfax County, VA (Population: 1,158,620)

Fairfax County Police Civilian Review Panel

- Reviews completed Fairfax County Police Department (FCPD) investigations into complaints it receives regarding allegations of abuse of authority or serious misconduct to ensure 1) accuracy, 2) completeness, 3) thoroughness, 4) objectivity, and 5) impartiality.
- Composition:
 - Nine-member (seven citizens and two alternatives), volunteer panel appointed by the Chairman of the Board of Supervisors w/ the approval of the Board;
 - Should have expertise and experience relevant to the Panel's responsibilities;
 - One member is required to have prior law enforcement experience (outside of FCPD);
 - Serve a term of three years with a maximum of two terms.

Fairfax County Office of Independent Police Auditor (OIPA)

- OIPA reviews police investigations involving use of force and serves as an independent intake venue for complaints against the Fairfax County Police Dept.
- OIPA provides an accessible, safe, impartial, and responsive intake venue for complaints against the Fairfax County Police Department and its employees.

Denver, CO (Population: 727,211)

The Office of Independent Monitor (OIM) is the civilian oversight agency for the City and County of Denver Police and Sheriff Departments. The OIM is staffed by 15 employees, including 6 monitors, primarily attorneys: The Monitor, a Senior Deputy Monitor, and four Deputy Monitors.

Civilian Oversight Board (COB) consists of 9 citizens appointed alternatively by the Mayor and City Council with one joint appointee to:

- Assess the effectiveness of the Monitor's Office;
- Make policy-level recommendations regarding discipline, use of force and other policies, rules, hiring, training, community relations and the complaint process;
- Address any other issues of concern to the community, the COB, the Monitor, the Executive Director of Safety, the Chief of Police, the Sheriff or the Fire Chief; and to review and make recommendations as to closed Internal Affairs cases where the findings were not sustained, as appropriate

- Composition:
 - Nine members comprised of citizens appointed by the Mayor (4 appointees), the City Council (4 appointees), and jointly (1 appointee);
 - Members serve 4-year terms;
 - No officers or employees of the City or County are eligible to serve;
 - Members nor their immediate family members cannot be former employees of the Denver police, sheriff, or fire departments; and
 - Members compensated (\leq \$1,200 per year) for their service; and
 - Training required.

Virginia Law-enforcement Civilian Oversight Bodies Legislation

On October 28, 2020, the Governor signed VA Senate (SB 5035) and House of Delegates (HB 5055), effective 7/1/21, which authorizes localities to create civilian law enforcement review boards that may

- Receive, investigate, and issue findings on complaints from civilians regarding conduct of law-enforcement officers and civilian employees;
- Investigate and issue findings on incidents, including the use of force by a law enforcement officer, death or serious injury to any person held in custody, serious abuse of authority or misconduct, allegedly discriminatory stops, and other incidents regarding the conduct of law-enforcement officers or civilian employees;
- After consultation with the officer's/employee's direct supervisor or commander, make binding disciplinary determinations (*i.e., letters of reprimand, suspension with or w/o pay, demotion, reassignment, termination, involuntary restitution, or mediation*) in cases that involve serious breaches of departmental and professional standards;
- Investigate policies, practices, and procedures of law-enforcement agencies and make recommendations regarding changes to such policies, practices, and procedures;
- Review all investigations conducted internally by law enforcement agencies and issue findings regarding the accuracy, completeness, and impartiality of such investigations and the sufficiency of any discipline resulting from such investigations;
- Request reports of the annual expenditures of law-enforcement agencies and make budgetary recommendations;
- Make public reports on the activities of the law-enforcement civilian oversight body; and
- Undertake any other duties as reasonably necessary for the board to effectuate its lawful purpose to effectively oversee the law-enforcement agencies as authorized by the locality. Such oversight bodies would not be authorized to oversee sheriff's departments.
- The law provides that a law-enforcement officer who is subject to a binding disciplinary determination may file a grievance requesting a final hearing pursuant to the locality's local grievance procedures. It also provides that a retired law-enforcement officer may serve on a law-enforcement civilian oversight body as an advisory, nonvoting ex officio member.

Suggested Pros/Cons for Various Models

A. Review-focused model:

- Advantage – Typically, representative of the community and reflect community sentiment.
- Disadvantages – Don't have access to necessary information;
- Lack transparency because don't have access to information; and
- Typically, does not possess sufficient expertise to conduct thorough reviews.

B. Investigative-focused model:

- Advantage – Appealing because they are civilian-based and designed to have civilian control over an independent investigation.
- Disadvantage – Often under resourced to perform their investigative functions adequately;
- Several large cities (e.g., Oakland, CA; San Francisco, CA; Chicago, Ill; and New York, NY) employ this model to varying degrees of success.

C. Independent Auditor/Monitor model:

- Advantages – Employs individuals with some expertise/knowledge about law enforcement matters, including some with law enforcement experience; and Typically possess the four essential elements (mentioned above); and Contractual relationship with jurisdiction.
- Disadvantages – None provided.

Opportunities Identified

- Virginia's law on civilian oversight provides a broad array of tools that can be used establish a civilian oversight body that can be tailored to address Arlington's challenges.
- A civilian oversight body with sufficient authority and responsibilities can help address concerns regarding transparency and accountability in connection with ACPD.
- Although members of the Arlington community may have different perspectives on the need for civilian oversight of ACPD, they generally agree that a civilian oversight body can facilitate better communication between ACPD and the community.

Presentations & Insights

During the 13 subcommittee meetings and one Stakeholder Roundtable Session, the CRB subcommittee heard presentations from experts with varying perspectives and experiences to provide insights:

September 10, 2020: Arlington County Attorney, Stephen A. MacIsaac, Esq and ACPD team members provided information about current protocols to handle civilian complaints and disciplinary matters for police officers. During the meeting, they also discussed the limitations on civilian oversight in Virginia.

September 17, 2020: Brian Corr, Immediate Past President of NACOLE; and Chief Kenton W Rainey, Chief of the University of Chicago Police Dept., provided his perspective on civilian oversight based upon his experience at multiple police agencies that have worked with different types of civilian oversight.

October 8, 2020: Bradley Haywood /Parisa Dehghani-Tafti offered perspectives from Arlington County Public Defender, and the Arlington County Commonwealth Attorney's Office on perspectives on a civilian oversight body.

December 3, 2020: The subcommittee heard from other communities that have implemented different models of civilian review. Nick Mitchell, the Monitor with the Office of Independent Monitor ("OIM") for Denver, CO, explained his office's role in civilian oversight of Denver's police and sheriff departments; and **Shirley Norman-Taylor & Rhonda VanLowe** members of Fairfax County, VA's Civilian Review Panel, shared their perspectives on civilian oversight based upon their experiences serving on a civilian oversight body.

December 10, 2020: Michael Gennaco Project Manager, Office of Correction and Law Enforcement Monitoring for Santa Clara County, CA and Principal of OIR Group. He served as Chief Atty. of the Office of Independent Review for Los Angeles, CA, and he has served as an independent auditor for the cities of Burbank, Anaheim, Palo Alto, and Davis in California. Mr. Gennaco highlighted his perspectives on key elements and based on his experience offered pros and cons to various models:

Suggested Elements

- **Access:** Needs some level of access to documents, case records, etc., as well as to individuals so they can be interviewed;
- **Independence (Unbiased):** Needs to have sufficient independence from the law enforcement agency it is charged with overseeing. Related to this, however, the oversight body should appear—and in fact, should be—unbiased in the performance of its work;
- **Engagement w/ the Community:** Needs to be proactive in engaging with the community so it can listen to the community member's concerns and share information with them; and
- **Transparent:** Related to the engagement prong, the oversight body should have the ability to provide unvarnished and effective reports of its findings, concerns, etc.

Stakeholder Roundtable

On October 26, 2020, the CRB hosted an invitational roundtable that included 17 community members who represented a cross-section of the Arlington community. In addition to providing information to the stakeholders during this session, the CRB subcommittee requested feedback from the stakeholders in response to three questions:

- *What type of authority/responsibility should the Arlington civilian oversight body have?*
- *Who should be eligible to serve on the civilian oversight body?*
- *What type of training should members of the civilian oversight body receive?*

Authority/Responsibility

Among the stakeholders, there were varying opinions regarding the type of authority/responsibility the oversight body should have. For example, some stakeholders recommended that the civilian oversight body should have full investigative authority with subpoena power so it can conduct its own investigations. In support of this position, one stakeholder argued that a powerful civilian oversight body would maximize transparency and accountability and would foster confidence in ACPD.

In contrast, other stakeholders suggested that the civilian oversight body should not be given investigative authority at the start but could obtain that authority later, if necessary. This individual expressed skepticism over endowing the civilian oversight body with too much power and warned that the oversight body should not a populist organization set up to serve as an advocate against ACPD. In support of this position, the individual expressed a desire to foster a closer relationship with ACPD and did not want to upset that goal by antagonizing the department.

Significantly, the stakeholders generally agreed that the civilian oversight body should “give voice to the community, where the relationship between the police and the community is based on trust and new stakeholders are being brought to the table.”

Eligibility to Serve

Regarding who should be eligible to serve on the civilian oversight body, there was general agreement that it should be comprised of a broad cross section of the Arlington County community. While some stakeholders suggested that there should be “balanced” representation from the community, others recommended that membership should be weighted in favor of those communities that have more frequent contacts with ACPD. On the issue of whether current Arlington County employees or members of ACPD should be eligible to serve on the oversight body, the stakeholders generally were more open to allowing county employees who are not affiliated with ACPD to serve on the oversight body. And the stakeholders who were fine with ACPD officers serving, they suggested that ACPD officers could serve as non-voting and/or advisory members on the oversight body.

In sum, the stakeholders stated that they wanted the civilian oversight body to be broadly representative of the diversity in Arlington community and that it should act “as a connective link between the sub-communities within the community.”

Training

The stakeholders generally agreed that civilian oversight body members needed to receive as much training as possible from organizations that could provide a variety of perspectives (*i.e.*, government {multiple agencies}, police, nationally accredited organizations, civil rights organizations, etc.).

Online Community Feedback

The portion of the engagement related to the civilian review board asked members of the community to share thoughts on areas of focus for a civilian review board (CRB) in Arlington and types of models or approaches for Arlington County. Community members were also asked to provide any additional comments they have on a civilian review board. There was a total of *sixty-one (61) unique responses* to this prompt.

Of the 61 responses submitted, over 55% of them were related to four (4) major emerging themes which included: A CRB Independent of Law Enforcement/Police Department, Diverse and Inclusive Representation on the CRB, Does Not Support a CRB, and CRB Must Include Police Experience/Expertise.

- **CRB Independent of Law Enforcement/Police Department:** Approximately 20% of all responses related to the civilian review board call for a civilian review board to be independent of law enforcement or the police department, specifically citing that in order for the civilian review board to be effective, it must be independent of the police department and able to make appropriate recommendations when necessary.
- **Diverse and Inclusive Representation on CRB:** Approximately 13% of responses ask for a diverse and inclusive civilian review board, specifically asking for representation from Arlington Public Schools (APS) as well as members of the community who are ethnically, socioeconomically, professionally and educationally diverse.
- **Does Not Support a CRB:** Approximately 13% of responses do not support the civilian review board, specifically asking for no funds to be allocated for the CRB and instead be utilized for transit, housing and the Arlington Police Department's Citizens Academy.
- **CRB Must Include Police Experience/Expertise:** Approximately 11% of responses called for the inclusion of law enforcement/people with police knowledge and expertise to serve on the civilian review board in order to be evidence based. Specifically, there are requests for individuals who have knowledge of best police practices, use of force, and the criminal justice system along with mandatory training for all CRB members on the use of force policy in Arlington County.
- A matrix of all the responses can be found [here](#).

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APPENDIX B: PPG Traffic Enforcement Subcommittee

Table of Contents

Overview	38
Subcommittee Recommendations	39
Presentations & Insights	42
Traffic Related Virginia Legislation	43
Stakeholder Roundtable October 19, 2020	44
Online Community Feedback	47
References	48

Overview

The Traffic Subcommittee’s charge was to “identify potential models for traffic enforcement that might be effective for Arlington County.” Throughout their work, they were sure that their exploration related to traffic stops and enforcement encompassed driving, walking, and biking. They also made an early assertion that distracted, impaired, and/or reckless driving **are** public safety concerns. As such, there was agreement that safety is a top priority, and the focus of their work was focused on several key areas:

- Understanding reasons for traffic stops;
- Understanding the demographics related to traffic stops;
- Exploring alternative enforcement strategies, including engineering and technology solutions.

The Traffic Subcommittee is interested in ensuring that policies and practices during traffic stops and enforcement activities are fair and equitable. In addition, this subcommittee has taken opportunities to identify potential strategies that could/would improve overall traffic safety.

The Traffic Subcommittee approached their learning in several ways:

- **Reviewed Materials/Literature/Legislation:** Through December 17, 2020, the Traffic Subcommittee conducted nine subcommittee meetings and one Community Learning Session. Members of the committee also reviewed various articles, [ACPD traffic enforcement policies/ protocols](#), Virginia laws and legislation, and research.
- **Presentations/Insights:** The Traffic Subcommittee heard presentations from a variety of experts with different experiences and perspectives.
- **Hosted Stakeholder Roundtable:** On October 19, 2020, the subcommittee hosted a stakeholder roundtable that included around 20 community members who represented a cross-section of the Arlington community.
- **Community Feedback:** Members of the community were invited to provide online written feedback that resulted in 82 unique comments with several key themes.

The Traffic Subcommittee utilized the following questions to guide their exploratory work

- *What should/could the PPG recommend related to Impaired Driving?*
 - Walking/Biking?
 - Speeding?
 - Other?
- *What are the protocols and practices for traffic stops in Arlington County?*
- *What data is available related to traffic stops and policing?*
- *How can data help ensure equity and fairness in traffic stops?*
- *What are the pros and cons of using cameras or other technology for traffic enforcement?*
- *What can we learn from anecdotal experiences during traffic stops?*

Subcommittee Recommendations

Traffic Data

- Conduct regular independent audits to review data analysis on traffic stops and related data (immediate).
- Ensure there is documentation of written consent of every vehicle/person consent search (immediate).
- Make improvements to data collection to enhance the ability to more easily pull and analyze information about traffic stops-by demographics, ACPD districts/beats, outcomes, and actions (short term).
- Ensure that written consent documentation of vehicle/person consent searches is included and recorded as part of the data capture (short term).
- Define key performance indicators.
- Measure officer performance against established indicators and benchmarks (long term).

Equity in Traffic Enforcement

- Develop a sliding payment scale for County-managed traffic (speed/red light) camera violations based on income level and fixed expenses of violators (immediate).
- Work with local courts and judges to explore development of a sliding payment scale (as opposed to fee based) for individuals convicted of traffic violations striving for a more equitable income-based approach for payment/penalties (short term).
- Utilize warnings for photo/red-light and speed camera violations at various thresholds over the speed limit and light expiration time limits, and/or consider a first warning prior to issuing a financial penalty (long term).

Traffic Enforcement Policy

- Strengthen the implementation of the ACPD biased-based policing policy (531.06, § IV.b.) to require written consent forms when requesting a vehicle search (immediate).
- Review state legislation and identify potential policy actions allowable for local county governments related to reducing the number of pretextual stops during traffic enforcement. Commit to eliminating types of stops associated with pretextual policing (immediate).
- Establish career path goals aligned with an equitable approach to traffic enforcement based on data (e.g., equipment and regulatory stops for traffic stops) (short term).
- Consider expanding the use of traffic safety (unsworn) officers or Sheriff's deputies for traffic safety education, traffic direction/control, parking enforcement, scooter congestion, pedestrian safety, bike lane parking, and other related traffic activities (long term).

Traffic Engineering/Technology

Note: While the PPG Traffic Subcommittee acknowledges benefits of technology and engineering solutions, they also recognize that technology alone will not solve the issues; and care and attention need to be focused on placement to avoid unintended bias.

- Advocate with the Virginia State Legislature for increased ability to expand red light/speed cameras beyond construction and school zones. Automated ticket enforcement has the potential to improve safety, reduce unnecessary interactions between residents and police, and further advance confidence in equitable outcomes by reducing or eliminating the possibility of race- and ethnicity-based disparities in traffic enforcement (short term).
- Employ or contract a Civilian Traffic Analyst to conduct analysis of traffic safety occurrences and align technology with evidence-based criteria (short term).
- Develop evidence-based criteria for the implementation of red-light cameras at key intersections and speed cameras at appropriate locations (short term).
- Increase the number of traffic studies to ensure implementation of red-light photo cameras at intersections that meet the criteria (short term).
- Complete the incorporation of Vision Zero into transportation safety plans; form an advisory group that is made up of existing traffic and transportation related committees to advise special ACPD operations staff (short term).

Traffic Enforcement/Engagement

- Expand use of signage and portable mobile displays to build awareness and change behavior (immediate).
- Establish career path goals aligned with an equitable approach to traffic enforcement using performance indicators and benchmarks based on data (e.g., equipment and regulatory stops for traffic stops) (short term).
- Continue to increase recruitment and hiring of a more diverse ACPD workforce (short term).
- Utilize traffic stops primarily for traffic safety violations (short term).
 - Recognize that traffic stops provide a positive opportunity for community engagement.
 - Focus traffic enforcement stops on traffic safety violations with an opportunity for traffic safety education and engagement.
 - Discourage traffic stops based solely on regulatory and/or equipment violations.
 - Beyond traffic safety, traffic stops should only be conducted when explicit dangerous behavior is present.
 - Reduce/eliminate pretextual traffic stops, using traffic safety as the focus for traffic stops.

Traffic Safety Education/Training

- Integrate community policing programs into driver educational programs (adults/students) to highlight the importance of driver safety, traffic stop processes and protocol, and other opportunities for traffic safety (immediate).
- Conduct bike/pedestrian rodeos and other public safety education for diverse communities with different cultural backgrounds, languages, and experiences (immediate).
- Integrate education and awareness regarding drug/alcohol traffic safety as part of health/education classes (short term).
- Implement training for each individual officer on key indicators and benchmarks related to traffic stops. (long term).

Presentations & Insights

August 17, 2020: Chief Jeff Hadley, former chief of the Kalamazoo Department of Public Safety; Arlington County Attorney Steve MacIsaac; and Dr. Alejandro del Carmen, Tarleton State University, presented to the PPG on police data collection, the new Virginia law regarding community policing data collection requirements, and research on data use in policing.

October 5, 2020: Dan Murphy, ACPD provided an overview of traffic safety considerations in Arlington County. As a result of this presentation, the subcommittee made an early assertion that distracted, impaired, and reckless driving are public safety concerns. This presentation provided insights for additional data requests related to types of traffic stops.

October 12-October 15, 2020: Members of the PPG traffic subcommittee talked with the International Association of Chief of Police (IACP) and several of its members to learn about the use of traffic enforcement cameras, the Data-Driven Approaches to Crime and Traffic Safety (DDACTS) model, and approaches to traffic stops in various communities.

October 16, 2020: Members of the subcommittee met with members of ACPD about data requests and associated questions.

October 19, 2020: Wen Hu, Insurance Institute for Highway Safety (IIHS), provided a presentation on research conducted by IIHS on speed/red light cameras and their impact on traffic safety and associated insights. Links to research available in references.

October 26, 2020: Wen Hu, IIHS, provided a presentation to the subcommittee and the public about IIHS research on speed and red-light cameras, as well as one study specific to Arlington County.

November 2, 2020: Members of the subcommittee watched recorded speeches by Tamika Butler and Charles Brown, nationally known experts in traffic enforcement reform who were not available to book for live speeches.

November 16, 2020: Dr. Frank Baumgartner, Professor of Political Science at UNC, and Dr. Mike Dolan Fliss, Epidemiologist at UNC, shared their research on studies related to alternative approaches to traffic stops. Links available in references.

November 30, 2020: Acting Chief Penn and Nate Foster, ACPD, provided an overview of Arlington traffic data and ACPD traffic related policies as a follow-up to earlier subcommittee requests and meetings.

December 1, 2020: Members of the PPG talked with staff at the National Highway Traffic Safety Administration (NHTSA) to learn more about the DDACTS model, a partnership between NHTSA and IACP.

Traffic Related Virginia Legislation

SB5029 - Effective March 1, 2021

Issuing citations; possession of marijuana and certain traffic infractions. Changes from primary offenses to secondary offenses the possession of marijuana and some traffic and regulatory infractions operating a motor vehicle, such as (i) without a light illuminating a license plate, (ii) without an exhaust system that prevents excessive or unusual levels of noise, (iii) with certain sun-shading materials and tinting films, and (iv) with certain objects suspended in the vehicle. A secondary offense is one for which a summons can only be issued if the offender is stopped for another, separate offense. The bill also provides that no law-enforcement officer may lawfully search or seize any person, place, or thing solely on the basis of the odor of marijuana, and no evidence discovered or obtained as a result of such unlawful search or seizure shall be admissible in any trial, hearing, or other proceeding.

HB1250-Effective July 1, 2020

Community Policing Act; data collection and reporting requirement. Prohibits law-enforcement officers and State Police officers from engaging in bias-based profiling, defined in the bill, in the performance of their official duties. The bill directs the Department of State Police (the Department) to create the Community Policing Reporting Database into which sheriffs, police forces, and State Police officers report certain data pertaining to motor vehicle or investigatory stops. The Department is directed to provide access to the database to the Department of Criminal Justice Services (DCJS) for the purpose of analyzing motor vehicle and investigatory stops and records of complaints alleging the use of excessive force. The data analysis shall be used to determine the existence and prevalence of the practice of bias-based profiling and the prevalence of complaints alleging the use of excessive force. The bill requires that each time a local law-enforcement officer or State Police officer stops a driver of a motor vehicle the officer collect the following data based on the officer's observation or information provided to the officer by the driver: (i) the race, ethnicity, age, and gender of the person stopped; (ii) the reason for the stop; (iii) the location of the stop; (iv) whether a warning, written citation, or summons was issued or whether any persons were arrested; (v) if a warning, written citation, or summons was issued or an arrest was made, the warning provided, violation charged, or crime charged; and (vi) whether the vehicle or any person was searched. The bill requires each state and local law-enforcement agency to also collect and report to the State Police the number of complaints the agency receives alleging the use of excessive force. The bill also requires the Director of DCJS to annually report the findings and recommendations resulting from the collection, analysis, and interpretation of the data from the Database to the Governor, the General Assembly, and the Attorney General beginning July 1, 2021. The report shall include information regarding any state or local law-enforcement agency that has failed or refused to report the required data. A copy of the report shall be provided to each attorney for the Commonwealth of the county or city in which a reporting law-enforcement agency is located.

Stakeholder Roundtable

October 19, 2020

Summary

The Stakeholder Roundtable brought members of the Arlington community together to discuss pressing issues surrounding potential alternatives to traffic enforcement.

The roundtable represented different interest groups and organizations from within Arlington that provided constructive feedback for the Traffic Subcommittee. While the majority of the people present at the meeting did not state personal issues with police officers, they did share observations, concerns, and insights about policing practices.

Most of the topics explored focused on three discussion topics: (1) experiences during traffic stops; (2) alternative forms of enforcement such as the use of speed and red-light cameras; and (3) concerns about privacy. These topics led to a discussion with differing viewpoints contributing to the conversation.

Experiences with Traffic Stops/Enforcement

- *If you, a family member, or a friend have had encounters with law enforcement during traffic stops (e.g., driving, walking, biking) in Arlington...*
 - *What has been your experience?*
 - *Were you stopped for no-cause?*
 - *Have you ever felt that your civil rights were violated?*
 - *What suggestions do you have for improving policy or practice related to traffic stops in Arlington?*
 - *What data do stakeholders believe might be helpful in reviewing the issues related to traffic stops and policing?*

Responses:

- Some participants had experience being stopped by the Arlington police.
- Several participants who were people of color noted their personal experiences of feeling as though they had been profiled due to their race or their vehicle.
- Several participants noted they observed multiple traffic stops along Columbia Pike, which often times appeared to involve people of color and multiple police cars.
- One participant in these stakeholder meetings identified “two-sides of the coin” of inequity in automated traffic enforcement, including that it could help protect vulnerable pedestrians (citing a study that African American children are twice as likely to be injured or killed while walking), but some concern about the role of algorithms in automated enforcement and how that could disproportionately target people of color.
- Participants noted that fears and distrust of police (and government) extend to other minorities, including the Hispanic/Latinx community.
- Some fear that a police encounter can lead to questions being raised about their immigration status and their subsequent possible deportation.
- Some expressed fear and the perception that police can decide to contact ICE even if they do not have an order for deportation.

Automated Enforcement: Engineering/Technology

- *What are the potential benefits, if any, that cameras or other technology offer to traffic enforcement practice?*
- *What are the primary concerns that community members tend to have with the use of speed/red light cameras?*
- *What should/could the PPG recommend related to the following: Impaired Driving; Walking/Biking; Speeding; Other?*

Pros Expressed

- Removing racial bias, increasing consistency in drivers' behavior because the cameras will always be there to catch and enforce regulations in the absence of police officers, and making streets safer for children and pedestrians.
- Acknowledgement that cameras could be useful.
- Cameras remove the human interaction with the police.

Cons Expressed

- Need for police presence, despite the cameras, to handle things like drunk driving, distracted drivers, and other traffic incidents.
- Concern that cameras might be strategically utilized in certain areas more than others, such as placement within low-income communities, implicitly targeting certain demographics.
- Acknowledgement that cameras are not always accurate, and tickets have been sent to the wrong people.
- Concern about thresholds being too strict (e.g., three mph over limit), leading to expensive tickets (as opposed to a warning), potentially leading to other financial challenges for first-time offenders.

Privacy

- *What, if any, privacy concerns surface when using cameras and technology to capture speeding and/or red-light violations?*
 - *Are there any other data and privacy concerns that the PPG committee should consider as they do their work?*

Responses:

- Concern that the County's use of cameras could raise revenue and increase inequity in the process.
- Concern over what kind of data is being collected, how long it is being held, and who has access to this information.
- Cameras remove the human interaction with police.
- Concerned about "Big Brother" policing with cameras going up and feeling as though they are continuously being watched.

Other Viewpoints Shared

- While some participants were steadfast in their call for full respect of police officers, other stakeholders present indicated several instances in which police officers have not been respectful to citizens, even when respect was shown to them.

- Participants noted fear of and intimidation by the police, especially in the immigrant/Latinx community.

Online Community Feedback

Online feedback related to traffic enforcement asked members of the community to share thoughts on potential models for traffic enforcement that might be applicable for Arlington and/or provide any other comments they may have on traffic enforcement and policing. There were a total of *eighty-two (82) unique responses* to this prompt.

Of the 82 responses submitted, more than half of them were related to five (5) major emerging themes which included: Utilizing Digital Enforcement/Cameras, Increasing Digital Enforcement/Cameras, Not Using Police to Enforce Traffic, Enforcing Traffic Violations, and Reviewing or Improving Traffic Safety Measures.

- **Utilizing Digital Enforcement/Cameras:** Approximately 21% of responses related to policing and traffic enforcement ask for the utilization of existing traffic surveillance tools, digital enforcement, and cameras. Responses include requests to use automated speed enforcement, red light enforcement and, stop sign enforcement to improve safety on the streets and reduce unnecessary demands on available police officers. Additionally, many responses call for digital traffic enforcement to remove any potential discrimination and use of force by police officers.
- **Increasing Digital Enforcement/Cameras:** Approximately 16% of responses ask for an increase in digital enforcement tools/cameras, specifically to be used to enforce traffic violations, allowing police officers to focus primarily on public safety. Comments include increasing community buy-in for camera enforcement and additional camera usage, as well as lobbying the Commonwealth of Virginia for state funds to put toward digital traffic enforcement.
- **Not Using Police to Enforce Traffic:** Approximately 6% of responses specifically ask for the removal of police officers from traffic enforcement, offering alternatives including digital enforcement and having non-ACPD staff do traffic enforcement.⁵
- **Enforce Traffic Violations:** Approximately 6% of responses ask for a continuation of enforcing traffic violations. This includes the enforcement of traffic signs, laws, and ticketing by police officers/law enforcement, addressing aggressive drivers and cyclists; and holding legislators accountable for passing traffic laws.
- **Review or Improve Traffic Safety Measures:** Approximately 6% of responses call for a reviewal and/or improvement to current traffic safety measures, specifically calling for improving traffic safety measures to limit the role of the police, reviewing of transportation and traffic policies, lowering speed limits and adding streetlights, and analyzing traffic engineering patterns.
- A matrix of all the responses can be found here.

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APPENDIX C: PPG Mental Health Subcommittee

Table of Contents

Overview	51
Subcommittee Recommendations	52
Crisis Mental Health Services	52
Proactive Mental Health Services	53
Oversight and Quality Assurance	54
PPG Mental Health and Policing Recommendations	54
Community Learning Sessions	58
Presentations & Insights	59
Stakeholder Roundtable	61
Online Community Feedback	64
References	65

Overview

The stated charge of the Mental Health and Policing subcommittee was to identify roles for the police department in responding to crisis calls that involve individuals with mental health issues. But from the start, the ACPD made clear their desire to limit police involvement in mental health-related crisis calls to those with public safety implications such as a potential for violence. The subcommittee had consensus on this goal. The question became how to best respond to crisis calls concerning mental health and substance abuse issues. Also, from the start, the subcommittee recognized that focusing solely on response to crisis calls does not address the root problems of underlying serious mental illness and/or substance use disorder – the lack of early identification and effective treatment for those health issues. (For other chronic health issues, like heart disease, cancer, or diabetes, the goal is to provide effective treatment as early as possible in order to avoid the need to respond to advanced illness which is more costly and less effective.) The subcommittee agreed that recommendations for early identification and the provision of effective treatment for individuals with mental health and/or substance abuse illness was necessary to reduce the percentage of individuals with these illnesses who required crisis response. The subcommittee examined the roles and responses of the mental health treatment system, the police department, schools, and the legal system.

This subcommittee’s recommendations fall into three main categories: Crisis intervention; Proactive treatment options; and Oversight and accountability protocols. Oversight and accountability are important because the subcommittee recognizes that systemic change requires working collaboratively within and across agencies.

The PPG subcommittee on mental health and policing approached their learning several ways:

- **Reviewed Materials/Literature/Legislation:** Through Dec. 1, 2020, the mental health and policing subcommittee conducted 16 subcommittee meetings, plus two Community Learning Sessions. Members of the committee also reviewed various articles and research.
- **Presentations/Insights:** The mental health and policing subcommittee heard presentations from a variety of experts with different experiences and perspectives.
- **Hosted Stakeholder Roundtable:** On Oct. 13, 2020, the mental health subcommittee hosted a stakeholder roundtable that included 12 community members who represented a cross-section of the Arlington community.
- **Community Feedback:** Members of the community were invited to provide online written feedback that resulted in 55 comments with several key themes.

Subcommittee Recommendations

From the lessons learned, the subcommittee included recommendations across three key areas:

Crisis Mental Health Services

Recommendations in this area focus on shifting from the current practice of predominately only police responding to mental health- and substance abuse-related crisis calls with very limited co-response (meaning a police officer and a clinician both responding to mental health-related calls), to an interim practice of steadily increased co-response, with a continuing shift to mobile crisis units (comprised of clinicians or other mental health workers) responding to the majority of mental health or substance abuse crisis calls for service. The goal is to ensure that best behavioral health practices are incorporated in responding to mental health and substance abuse crisis calls and the use of clinicians or other mental health workers are prioritized over law enforcement, where appropriate.

Objectives

- Develop a mental health crisis response model where a Department of Human Services Emergency Services Clinician or other trained mental health worker responds to every mental health and substance abuse crisis call in Arlington County.
- Police Department responds to mental health and substance abuse crisis calls only when other resources have been exhausted or where the potential for violence is high.
- Provide an in-county “full service” Crisis Intervention Center (CIC) facility for drop-off and walk-in support and services for suspected mentally ill patients or those abusing substances, available 24/7/365, for individual stays of up to 23 hours.
- The CIC facility is furnished with recliners, is able to provide medication on an emergency basis, and is staffed by psychiatrists, Physician Assistants, Nurse Practitioners, clinicians, peers, and security staff.
- Patients needing transport for TDOs would be transported by a private service, not ACPD, and transferred directly to a bed. In those rare cases where extended stand-by is necessary it is handled by security staff, not ACPD.

Crisis Intervention Performance Metrics

- Increase percentage of mental health- and substance abuse-related crisis calls handled by Clinicians and mental health workers.
- Clinicians/mental health workers remain safe while responding to mental health- and substance abuse-related crisis calls,
- Increase to 100% the percentage of ACPD Operations Division based officers, corporals, and sergeants are CIT trained.
- Reduce hours ACPD spend transporting individuals as a result of TDO; maximize use of contracted transport service.
- Increase percentage of individuals with mental illness and substance abuse ACPD takes to Crisis Intervention Center (CIC).
- Reduce time required to transfer custody of individual from ACPD to CIC (with a goal of 5 minutes).

Proactive Mental Health Services

The subcommittee recognizes that crisis is seldom the first sign of mental illness or substance abuse. Waiting for a crisis to occur before providing treatment is both costly and less effective. We recommend that County agencies develop ways to recognize early signs of mental illness and substance abuse and provide effective treatment or provide links to effective treatment. Successful implementation of early identification followed by effective treatment will reduce the number of crisis calls.

Objectives

- Proactively identify and provide evidence-based treatment services to children and adults with behavioral health issues. Early identification of behavioral health issues followed by effective treatment prevents more debilitating illness and future crises.
 - Offer effective treatment for trauma as this is highly linked to mental illness, substance abuse, and criminal justice involvement.
 - Include families/caregivers as part of the treatment team.
 - Eliminate barriers to accessing evidence-based treatment; outreach to clients who have missed appointments, do not disenroll them since chronic conditions require ongoing treatment; for those who can't qualify for county services, provide linkage to evidence-based services.
- Increase use of peers.
 - Peers should be used to actively and persistently engage with residents in need of treatment but who due to anosognosia or other reasons are reluctant to participate voluntarily.
 - Peers should be used to help motivate current DHS clients to continue participating in services as needed and continue their recovery.
- Divert individuals from the legal system to evidence-based treatment to the maximum extent.

Proactive Mental Health Performance Metrics

- Increase percentage of justice involved individuals with mental illness and/or substance abuse diverted into treatment pre-charge;
- Reduce percentage and number of Arlington residents with mental illness in Arlington jail;
- Recidivism of individuals with mental illness is reduced;
- Increase percentage of individuals with mental illness and substance abuse who can be safely diverted into evidence-based treatment;
- DHS knows when every hospitalized client is being discharged and meets clients at hospital to ensure needed medications are in hand, appointments are scheduled, and a peer (if needed) is provided. Same for step-down discharges and jail discharges to the maximum extent.
- Reduce missed DHS appointments by clients;
- Track usage of specialty courts/dockets to determine if changes are needed (they have a history of being underutilized in Arlington due to narrow eligibility criteria);
- Increase response of DHS Emergency Services to calls that are pre-crisis;
- Reduce crisis calls by increasing residents in treatment pre-crisis.

Oversight and Quality Assurance

Recognizing that systemic change is challenging, as is working collaboratively within and across agencies, we strongly recommend the approach described below to ensure progress is made, to include adherence to tasks and timelines.

Objectives

- Oversight and accountability should be provided by a Judge on the General District Court (though not the Judge of the Behavioral Health Docket as the recommendations here are far beyond the BHD), with meetings called periodically as needed, but not less than quarterly. Meetings should include all agencies working to achieve these recommendations and others that may be developed as this work progresses.
- County Manager's Office to provide assistance to the GDC Judge in areas of data collection, assessing progress, identifying areas of difficulty, etc.

PPG Mental Health and Policing Recommendations

Note: While the work of the PPG subcommittee on Mental Health and Policing was primarily focused on crisis intervention, there is consensus regarding the need for more proactive mental health service delivery for cohorts exhibiting early signs of psychosis so that service delivery can begin well in advance of a mental health crisis, thereby minimizing the need for mental health crisis calls in the first place.

Crisis Intervention

Co-Response and Mobile Crisis

- Prepare clinicians for co-response so the Department of Human Services (DHS) is able to increase the frequency of co-response and ensure adequate staffing during days and hours with elevated mental health call volume, as determined by calls for service data (immediate).
- Establish Emergency Communications Center protocol for co-response between police and human service clinician providers (immediate).
- Initiate transition from Co-Responder to Mobile Crisis Unit. Reassign or hire additional staff as appropriate, expanding recruit pool to include students working on licensure, peers, and individuals eager to do this type of work (immediate).
- Ensure Crisis Intervention Center (CIC) is 24/7/365 drop-off center for police, Emergency Services, and others (e.g., family members).
- Establish a plan for ACPD to use CIC as a drop-off for police when safely feasible Establish security and chain of custody protocols from police to CIC staff (immediate).
- (immediate).
- Increase security guard staffing at the Crisis Intervention Center (CIC) in lieu of ACPD to allow for chain of custody transfer for Temporary Detention Order (TDO) standbys (immediate).
- Use data and after-action reviews to determine the efficacy of the Co-Responder program and identify necessary adjustments (immediate).
- Establish full transition from Co-Responder to Mobile Crisis Unit. Use relevant data to fine-tune program (short term).
- Minimize ACPD involvement in mental health calls to lowest and safest possible frequency and circumstances (short term).

Alternative Transportation and Transfers

- Maximize use of a contracted alternative (non-police) transport service in Arlington, with a long-term goal of handling 100% of emergency custody orders (ECO) and TDO related transport (immediate).
- Procure specialized or retrofitted vehicles for transition to Mobile Crisis, as appropriate (immediate).
- Identify staffing needs, funding requirements, and funding sources for Mobile Crisis and CIC drop-off center to meet the needs of the community and providers (immediate).

Mental Health Data and Evaluation

- Establish a quality assurance system to ensure DHS follows-up with crisis callers to check that individuals are connected to services. This includes Arlington callers reaching out during crisis to the Children's Regional Crisis Response, DHS Emergency Services, and the Arlington County Police (immediate).

Mental Health Staff Training and Public Education

- Increase percentage of ACPD officers trained in Crisis Intervention Training (CIT) by the DHS Behavioral Health Division (BHD), with a goal of 100% of Officers, Corporals, and Sergeants in the Operations Division trained by 2023. Determine need for advanced and/or refresher CIT (immediate).
- Create a public awareness campaign about the CIC and other DHS services and how to access them (immediate).

Mental Health Policy and Funding

- Identify and initiate processes for any necessary legislative changes (immediate).
- Work to amend state laws so that law enforcement is not required to execute a TDO (immediate).
- Pursue federal, state and other funding sources to implement 2021 recommendations in 2022 (immediate).

Proactive Mental Health Services for Children

- Empower APS and DHS to develop and implement a plan to place clinicians in schools (before, during and/or after school hours to reduce stigma, missed class time, and transportation barriers to accessing evidence-based treatment services) (short term).
- Modify the Second Chance program so it is held on weekends, restructured as 2-hour sessions over eight weeks. Ensure equity of access by informing all parents of middle and high school students about this program (short term).
- Establish ability for DHS to bill a variety of insurance plans for children's mental health and substance abuse services, as is done for adult services (short term).
- Establish DHS billing system to charge insurance for children's mental health and substance abuse services, as they do for adult services (short term).
- Region offers Multi-Systemic Therapy for those children who would benefit (long term).

Proactive Mental Health Services for Young Adults (YA)

- Empower DHS to develop and implement a true First Episode Psychosis (FEP) program to intensively treat eligible teens and young adults ages 15-30. Seek funding for this evidence-based program (short term).
- Empower DHS to engage YA clients in social, educational and volunteer activities both one-

on-one and in groups (short term).

Proactive Mental Health Services for All Adults, Children and Families

- Establish and implement a DHS plan to use staff to increase community- based outreach and treatment evidence-based treatment, including alternative strategies for clients who miss appointments (short term).
- Establish and implement a protocol for staff to meet adult clients upon release from jail, step-down, or hospital to ensure they have medications and/or upcoming appointments. Assist clients in resolving any barriers to ongoing treatment (e.g., medication, transportation, housing) (short term).
- Establish and implement a DHS plan to use staff to “engage” individuals in need of mental health or substance abuse services but who are not yet clients; encourage them to voluntarily participate in treatment (short term).
- Empower DHS to develop a card with essential contact numbers for assistance. County agencies can provide to their clients and the public. Distribute it community-wide (short term).
- Ensure that DHS continues to work with hospitals to improve discharge planning and coordination for clients, ensuring patients are discharged with plans for ongoing care (short term).
- Develop a notification and referral system to DHS when Arlington residents are declined hospital psychiatric/mental health admission (short term).
- Empower DHS mental health and substance abuse staff to increase community-based outreach and treatment using evidence-based services; and follow-up with individuals turned away from voluntary hospital admission to provide them linkage to services (short term).
- Fully implement First Episode Psychosis program (long term).

Mental Health and the Legal System

- Empower Commonwealth Attorney to develop and implement guidelines to maximize use of pre-charge diversion while reducing public safety risk and negative impacts of court involvement and incarceration. Plan to include probation violators in the behavioral docket and drug court (short term).
- Utilize authority to maximize use of mandatory outpatient treatment (short term).
- Working directly with the Commonwealth Attorney Office, create Behavioral Health Docket in both the Circuit and JDR Courts. And, seek approval and funding from the State as needed (short term).
- Empower JDR court services collaborate with neighboring jurisdictions to offer Multi-Systemic Therapy; and seek funding as needed (short term).
- Implement Behavioral Health Dockets in Circuit Court and JDR Court (long term).

Substance Abuse Treatment

- Empower DHS to develop and implement a full array of substance abuse evidence-based treatment services **for all ages**, including residential and outpatient programs. Seek funding for implementation (short term).
- Provide Acceptance and Commitment Therapy (ACT) programs for inmates in jail less than nine months and offer in modular segments (short term).

Mental Health and Services for People Experiencing Homelessness

- Develop and implement a plan to provide shelter placement for those single adults with less than 90 days residency in Arlington who desire it when shelter capacity permits (short term). (Requiring 90 days residency in Arlington for those who desire shelter placement poses a barrier to sheltering chronically homeless single adults who often move between jurisdictions) (short term).
- Develop additional housing options as needed (short term).
- Empower DHS staff to actively engage shelter residents and other chronically homeless residents to voluntarily participate in evidence-based treatment (short term).

Mental Health Policy

- Create a mechanism for providing oversight and accountability of PPG mental health recommendations and related plans. Recommend this is in coordination between a Judge on the General District Court and the County Manager's Office (short term).

Community Learning Sessions

September 14, 2020: John Snook, Executive Director, Treatment Advocacy Center discussed the importance of diverting people with serious mental illness into treatment. Judge Steve Leifman, Associate Administrative Judge, Miami-Dade County Court and Special Advisor on Criminal Justice and Mental Health for the Supreme Court of Florida provided insights about his experience transforming Miami-Dade's criminal justice system to divert individuals with serious mental illness into treatment. In so doing the County has been able to save money by shutting one of their three jails by diverting people with mental illness into treatment. They were also able to reduce the number of frequent callers to 9-1-1 and redirect savings into enhanced treatment approaches, including use of peers.

September 21, 2020: Officer Joe Smarro, San Antonio Police Department's Mental Health Unit discussed how the mental health unit deals with people in crisis. He noted that in his 10 years working on the Mental Health Unit, he has dealt with some of the most severe cases of individuals suffering from a mental health crisis, and he prides himself on having a clean track record with zero use of force incidents. Tim Black, Director of Consulting for CAHOOTS (Crisis Assistance Helping Out on the Streets) a 24/7 mobile crisis service begun 30 years ago. CAHOOTS handles over 20% of the calls to 9-1-1 (which came to 24,000 calls) and called for police backup about 150 times. CAHOOTS costs \$2.1M per year and estimates they save \$15M per year.

Presentations & Insights

August 31, 2020: Introductory Meeting.

September 8, 2020: ACPD officer, Matt Puia, discussed typical calls requiring police response, issues and alternative approaches.

October 5, 2020: John Palmieri, MD, MHA, Behavioral Health Division Chief and Arnecia Moody, LCSW, Client Services Entry Bureau Chief, DHS, gave a presentation about Client Services Entry Services (CSE). CSE includes: the co-responder program (currently there is one clinician who responds with police about 24 hours per week); Emergency Services (which receives 20,000 calls per year but the majority are from frequent callers; and the Crisis Intervention Center (which has served fewer than 20 people per year for the past 2 or 3 years).

October 13, 2020: Dr. Reed Smith, Operational Medical Director, ACFD, discussed EMS and Mental Health. The Department of Public Safety Communications and Emergency Management Director and Emergency Communications (ECC) Administrator also presented to the group about how calls to 9-1-1 are handled.

October 19, 2020: Lisa Dailey, Esq., Treatment Advocacy Center, discussed recent legislation passed by the General Assembly, including the Marcus Alert System.

October 20, 2020: ACPD officer, Michael Keen, and Grace Guerrero, Psy.D, LPC, Senior Clinical Psychologist, DHS, discussed the Homeless Outreach Program. Officer Keen discussed his work with the homeless community providing assistance and linkage to services. Grace Guerrero discussed Treatment on Wheels and the Sequential Intercept Model (SIM).

October 26, 2020: Chuck Wexler and Tom Wilson of the Police Executive Research Forum discussed ICAT (Integrating Communications, Assessment, and Tactics) used by some police departments to better respond to crisis calls. Tom Wilson expressed surprise that Arlington doesn't yet have a mobile crisis unit.

October 27, 2020: Discussion of Arlington General District Court's Behavioral Health Docket with Elizabeth Tuomey, Deputy Commonwealth Attorney and Kelly Neiman, Behavioral Health Docket Coordinator, DHS.

November 4, 2020: Brad Haywood, Chief Public Defender for Arlington County and Falls Church City, and Tameka Parker, MSW, Mitigation Specialist. Discussion of typical cases involving mental illness and recommended changes.

November 9, 2020: Natasha Grossman of Bellevue, WA Fire Dept presented on their program using social workers and students of social work who need supervisory hours to become licensed to respond to some mental health and other calls, often with police. Kim Hendrickson, Director of Health and Human Services for Poulsbo, WA discussed their use of "navigators" to assist people in crisis get linked to treatment and other services.

November 10, 2020: Amy Pugsley, VP of RI International discussed the Crisis Now approach to transforming crisis response. She also discussed what we can expect in the new 16-bed crisis stabilization facility being built in Chantilly, VA. Gail Paysour of Virginia Department of Behavioral Health and Developmental Services on the new state-funded Alternative Transportation

service for people with mental illness court-ordered into involuntary hospitalization. This is intended to replace law enforcement transport.

November 16, 2020: Suzanne Summerville, LCSW, Bureau Chief, Residential and Specialized Clinical Services and Aubrey Graham, LCSW, CSAC, CSOTP, Jail-Based Behavioral Health Manager, DHS discussed jail-based substance abuse services.

November 17, 2020: Earl Conklin, Director of Arlington's Juvenile & Domestic Relations Court offered an overview of services for children involved in the Juvenile and Domestic Relations (JDR) Court.

November 23, 2020: Discussion of Recommendations.

November 30, 2020: Ollie Russell, LCSW, Assistant Director, Behavioral Health Division, DHS and Anthony Fusarelli, AICP, Assistant Director, Department of Community Planning, Housing & Development discussed the agreement between the County and Virginia Hospital Center to require certain improvements and capacity increases in the psychiatric unit.

December 1, 2020: Presentation by Cindy Kemp, recently retired from SAMHSA, (U.S. Department of Health & Human Services, Substance Abuse and Mental Health Services Administration). She will provide an overview of the Certified Community Behavioral Health Clinic Demonstration Program that she oversaw and led at the national level. This model of accessible, high quality, integrated services is currently being implemented throughout the US and evaluated by the federal government. To date, the outcomes have been impressive.

Stakeholder Roundtable

The Mental Health subcommittee hosted a Community Stakeholder Roundtable (SRT). Stakeholders included varying local support programs, individual experiences, and parent/family member experiences of best practices of police, wished practices, and practices that had furthered harm.

The contributors shared their experiences with police interactions in the face of serious and persistent mental health concerns, and how those concerns regarding police interactions may be alleviated in Arlington County. Interactions of substance use, inconsistent housing and food security, and hospital procedures were topics mentioned in tandem with police response concerns.

The Stakeholder Roundtable included three key areas of focus:

- Mental Health and Policing
- Mental Health and the Legal System
- Access to Mental Health Services

Mental Health and Policing

Police as Responders vs. Alternative Responders

A common thread among the stakeholder comments was a concern for the ways in which officers interacted with people dealing with mental health issues. Parents expressed frustration that their children were not treated with dignity; and felt they were treated more like criminals than patients. Tied into this was reports by parents and other stakeholders of a tendency of police to rely on standard police tactics involving force and protocols that did not take into consideration mitigating circumstances of mental health patient needs. Parents felt they were often the ones calling for assistance with their children, seeking help to keep themselves and their children safe, not necessarily to press charges on them. Stakeholders who were parents attending the sessions reported that when the police show up, they too often arrest the patient, putting them in cuffs as a first step. In some cases discussed, officers added charges, resulting in patients being kept in jail for months. Parents were told their children had to go to jail first in order to receive any care, and often they were not taken to a hospital at all. This added to the stress and trauma for the patients. Revolving-door policies and tendencies in hospitals and other mental health care facilities resulted in reports of cases of patients experiencing repeated interactions with police, leading to trauma-related responses that easily escalate situations. The mere sight of a police uniform or weapon could result in some patients being unwilling or scared to cooperate with officers, which often led to escalated problems.

Expansion of the Police Ability to Respond Effectively

Repeatedly, stakeholders spoke to the deficit apparent in training for responding to calls for assistance with mental health crises. Stakeholders raised questions and concern regarding sufficient training and sought and discussed models from police departments across the country who were attempting varying models of response, from alternative responses to better training for police who were responding.

Arlington County community members recounted their lived experiences asking for help with loved ones dealing with mental health concerns. These cases often involved response by police, and experiences were that these forms of response furthered the trauma of the crises.

Community members discussed the infrequency and inconsistency in which a responding officer had obtained crisis intervention training (CIT). Stakeholders shared they did not feel that ACPD was currently serving the community with these skills and standards. Stakeholders shared experiences of having to specifically request an officer with CIT, at minimum, to speak with their loved one, only to have an officer arrive without CIT training. This leads to a conflict for families who will sometimes decline assistance from untrained officers, even in a state of crisis.

An additional concern from the community was static response of police regarding mental health crises. Without contextually varying the police response, it can cause responses to be unresponsive to the contexts of situations. One community member described a scenario where their son was a threat to themselves, having suicidal ideation. In their situation, the ACPD response still included armed uniformed officers attempting to de-escalate rather than addressing the needs of the son. Risk assessment and approach was reportedly unvaried by scenario, and stakeholders requested revision of those procedures.

Mental Health and the Legal System

Jail and Prison Reform

During the stakeholder meetings and the roundtable discussions there was significant agreement in regards to the need to reform the ways individuals with mental health related issues experience the jail and prison system, from intake to reintegration. All identified concerns that the jail/prison system is ill-equipped to address the needs of individuals with serious mental health issues.

It is worth noting that the need for justice reform has important intersectionality with other categories discussed during the meetings. For instance, stakeholders identified the importance of having a screening process during jail intake that can adequately identify individuals with mental health related needs. Noting that this needed to be a key consideration to have quality communication and collaboration within the community to divert them to a facility that has the tools and personnel for proper treatment and care.

Continued care was another area of focus highlighted by stakeholders. Stakeholders agreed that mental health care needed to take place from arrest to post-release, when avoiding the jail/prison system was unlikely or impossible.

Juvenile and Adult Procedures and Approaches

Two stakeholders suggested that there be more cooperation between ACPD and the Arlington County Community Services Board (ACCSB). These suggestions centered around the idea that the ACPD and ACCSB do not currently, from the perspectives of the stakeholders, have a relationship with each other and they should do more in support of mental health crisis intervention. They noted that such cooperation could create opportunities for community engagement, improved training curricula based on feedback and best practices together, and other system improvements.

There were multiple parents of young people over the age of 18 with mental health issues who reported numerous frustrations with the current system. Some of the issues identified:

- There is no sequential procedure for getting assistance for their child in crisis without involving the police. Parents reported difficulty reaching an appropriate party to help their child in crisis.
- Once the police are involved, the parents must choose to either allow their child to be placed under a temporary detention order (TDO), be arrested and jailed indefinitely, or be left at home where they may pose a danger to themselves or others.

One parent expressed fear that her Black son would be discriminated against if she called the police for assistance during a mental health crisis. Multiple parents with children over 18 stated their frustration around the lack of transparency with their child’s psychological treatment, simply because they were considered “adults” by the law. All of the parents present at the stakeholder meeting also expressed frustration about the lack of long-term care opportunities in Arlington County.

Access to Mental Health Services

Need for Data Sharing and Collaboration

Stakeholders suggested that there be an abundant offering of services that addressed many of the needs expressed by community members, and those who have persistent mental health concerns.

Data sharing needs, in the best interest of the client, were raised by stakeholders; and noted that mental health concerns do not happen in a vacuum; family, teachers, and friends are often first to notice changes in behavior. They noted that while the notion of emergencies cannot be erased, the data sharing in regard to change in behavior can help serve efforts of early intervention, if the resources are available and readily communicated and known.

Stakeholders spoke of living in fear, waiting for their (adult) child to become ill enough to be deemed a danger to themselves or others, waiting for a police officer who may or may not have completed training in mental health to make a determination about removal. Desperate attempts to get the prescribing doctor on the phone with police, as one mother shared, felt like the only way to share information with the police that would be considered.

Online Community Feedback

Online community feedback related to mental health asked members of the community to share thoughts on strategies that might improve call responses that require mental health expertise and/or provide any other comments they may have on mental health and policing. There was a total of *fifty-five (55) unique responses* to this prompt.

Of the 55 responses submitted, over 75% of them were related to four (4) major emerging themes which included: Social Worker/Mental Health Professional Response, Co-Responder Model, Mental Health Training, and Immediate Mental Health Needs.

- **Social Worker/Mental Health Professional Response:** Thirty responses, or approximately 55%, submitted on mental health specifically address a need for only a social worker and/or trained mental health worker to respond to mental health related emergency calls. Responses include many recommendations such as utilizing a psychologist or psychiatrist, the County's Department of Health of and Human Services, social workers, or crisis management specialists as a first level of response in lieu of a police and/or armed response.
- **Co-Responder Model:** Approximately 9% of responses point to a co-responder model for addressing mental health crises. A co-responder model is one where a mental health professional accompanies a police officer to the scene as part of a crisis intervention team.
- **Mental Health Training:** Approximately 9% of responses address an immediate need for mental health training, specifically training for the Arlington County Police Department (ACPD), as well as ensuring all mental health professionals receive adequate training. Additionally, there are requests to secure funding for mental health/psychology training for police officers and first responders.
- **Immediate Mental Health Needs:** Approximately 5% of responses address immediate health concerns and urge law enforcement to take into consideration the pressing mental and physical needs of a person prior to making an arrest or carrying out law enforcement actions.
- A matrix of all the responses can be found [here](#).

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APPENDIX D: PPG Alternative Dispute Resolution Subcommittee

Table of Contents

Overview	68
Areas of Focus	69
Culture of Calling 9-1-1	69
Alternatives to Law Enforcement in Non-Public Safety Matters	70
Resources to Resolve Conflict Between Community Member and Law Enforcement	71
Alternatives to and Within the Legal System	71
Subcommittee Recommendations	73
Stakeholder Roundtable	77
Online Community Feedback	79
References	80

Overview

The Alternative Dispute Resolution Subcommittee was charged with identifying strategies in lieu of traditional policing and alternatives to and within the traditional criminal legal system. Excluded from the review were areas considered by the other subcommittees (*i.e.*, mental health, traffic, and civilian review board).

The ADR Subcommittee believes it is necessary to recognize the impacts of systemic racism on minority communities and, in particular, Black people. Systemic approaches were intentionally designed to disadvantage and disproportionately affect minority communities. Centuries of civil rights advocacy has resulted in societal disapproval of laws, policies, or procedures with the goal of intentional discrimination or resulting in disparate impact. The pernicious effect of systemic racism is that it remains hidden from our conscious and subconscious. Recognition of this truth empowers our community to engage in transformative social change. This work requires strong community-County collaboration; leadership in these initiatives should be guided by the community and with fidelity to its values.

Arlington County prides itself on its diversity and inclusivity. In order for all community members to enjoy these ideals, its systems, including the police and legal systems, must embrace an anti-racism mindset in order to ensure equitable decision-making and application of policies and procedures. True culture shifts, however, are driven by the community. The present climate appears ripe to shift from symbolic responses and focus intentionally on how our community utilizes law enforcement resources, how community calls for assistance are handled, how law enforcement responds to calls for assistance, and options within the legal system. The ADR Subcommittee's work emphasizes the critical role for education, training, and providing opportunities to those impacted and the community-at-large.

The ADR Subcommittee focused its review on the following key areas:

- Culture of Calling 9-1-1
- Alternatives to Law Enforcement in Non-Public Safety Matters; and
- Alternatives to and Within the Criminal Legal System.

The ADR Subcommittee considered the following materials:

- Educational resources – articles, journals, case law, legal materials (statutes and ordinances) and local data;
- Presentations – data, emergency communications systems, prevention and intervention strategies and alternatives, and community policing models; and
- Community engagement – to gain perspective, understand needs, and orient Subcommittee charge

Many of the ADR Subcommittee's recommendations center in the fundamental understanding that the community must lead change efforts, and the County must support and fund these goals. The County must be transparent in its funding and requests for proposals for work contained herein, and the County should have a goal to support community organizations that have relationships in minority communities and historically have not been funded commensurate with other service organizations.

Areas of Focus

Culture of Calling 9-1-1

Campaign on the Proper Use of 9-1-1 Resources

An intentional “9-1-1” campaign to encourage people to use law enforcement resources in matters concerning public safety has resulted in a large segment of the community utilizing this valuable resource improperly. Simply stated, when a person calls 9-1-1, they are ensured a prompt response. We are privileged to have a responsive police department; however, it can come at a cost. When an officer responds to a non-emergency call, resources are redirected from public safety matters. For this reason, it is necessary to shift community culture away from using 9-1-1 resources for non-emergency, non-public safety matters.

As we engage in this work, however, it is important to recognize that not all communities utilize 9-1-1 resources, even when such resources are warranted. Again, framing our understanding within the historical implications of systemic racism in this country, many minority communities feel uncomfortable engaging police resources. Distrust of law enforcement in these communities is typically generational. Accordingly, it is necessary to improve or create strong police-community relationships in these communities.

While Arlington County is fortunate to have a police department committed to ensuring the public safety of persons within the County, it is necessary to understand that police encounters are stressful for all involved and can be traumatic when an encounter feels unjustified or motivated for improper reasons. When a community member calls 9-1-1, he/she must understand that the response will be based in investigation and enforcement. In its purest sense, the “see something, say something” campaign to report suspicious activity to law enforcement for investigation has value when properly used to protect public safety. The concern, however, is how community members view circumstances (*i.e.*, how each person conditioned to view a particular situation, person, or circumstance as “suspicious”). Police officers respond to the calls that are made; thus, focus must be placed on creating community awareness on the impact of calling 9-1-1 in cases when something appears “suspicious” or “loud.” In addition to addressing the proper use of 9-1-1 resources, there must be a campaign to educate the community about bias.

Law Enforcement Response to Calls.

It is beyond the work of the ADR Subcommittee to address the broad topic of law enforcement response to 9-1-1 calls (*i.e.*, how matters are handled on the scene). The recommendations in this section focus on the need for further data and the need for legislative review of Arlington County Ordinance 17-13(C).

Again, a strong community-police relationship promotes not only public safety but, also,

confidence in the work of the police department as fair and impartial. The Arlington Police Department receives a high volume of calls on matters that are civil in nature, are considered “suspicious” (*i.e.*, suspicious person or event), and noise complaints. Data can play a vital role in ascertaining more information when these calls are made. The ADR Subcommittee considered whether Emergency Communications Center dispatchers should seek to obtain demographic and other information from callers. It is not a formal recommendation; however, to better understand the circumstances surrounding these types of calls (*i.e.*, civil, suspicious, and loud noise complaints), the ADR Subcommittee believes it is necessary to better understand the County’s present data analysis capabilities and what additional data, if any, needs to be collected. Ultimately, this data will serve the County in its efforts to change the culture of Arlington’s use of 9-1-1 by targeting information into segments of the communities based on pattern or practice.

Section 17-13(C) of the Arlington County Ordinance provides the following:

It shall be unlawful for any person at a public place or place open to the public to refuse to identify himself by name and address at the request of a uniformed police officer or of a properly identified police officer not in uniform, if the surrounding circumstances are such as to indicate to a reasonable man that the public safety requires such identification.

In *Herrington v. City of Va. Beach*, 71 Va. App. 656, 663, 839 S.E.2d 118 (2020), the Virginia Court of Appeals case reviewed a similar local ordinance and held:

The public safety element requires that the circumstances suggest an immediate potential for injury or damage to a person or property. If either the crime being investigated does not involve such potential, or if it did exist, such potential no longer exists at the time the request for identification is made, the public safety element has not been satisfied.

In light of this opinion and the narrow construction of the term “public safety,” the ADR Subcommittee recommends that the County review Section 17-13(C) and make any necessary revisions, which, at a minimum, should include language that mirrors the holding of the Virginia Court of Appeals in *Herrington*. Additionally, the ADR Subcommittee recommends that the County review police practices and procedures to ensure alignment with the ruling in *Herrington*. Moreover, training provided to law enforcement officer on this issue should focus on bias and promote anti-racism protocols.

Alternatives to Law Enforcement in Non-Public Safety Matters

Emergency Communications Center

The Emergency Communications Center (ECC) is responsible for handling 9-1-1 calls. Currently, ECC's response to 9-1-1 calls is binary – a determination is made as to whether an emergency exists. The County currently operates a “nonemergency line”; nonetheless, many community members rely on 9-1-1 for all needs.

The ADR Subcommittee recommends the expansion of ECC's capabilities to allow dispatchers to transfer calls to other agencies or programs that meet the needs of the call. In order to do so, the ADR Subcommittee recommends that ECC dispatchers have regular substantive training in available alternatives to police responses, which includes bias and trauma training.

ECC dispatchers also should have anti-racism training. As the gatekeepers of 9-1-1 resources, it is important for ECC dispatchers to feel comfortable thinking and talking about race and bias in order to be self-aware and critical of their own biases. Again, no one is immune from the historical implications of racism and its impact in our culture – individual, corporate, governmental, and community.

Resources to Resolve Conflict Between Community Member and Law Enforcement

Strong emphasis is placed on changing community reliance and culture on 9-1-1 resources. Most law enforcement interaction with people is predicated on an emergency call. Thus, callers should be encouraged and educated to thoughtfully consider why they may be seeking law enforcement response in a particular matter so as not to: 1) waste valuable resources; and 2) cause harm to the subject of a call because a law enforcement response was not warranted.

Equity demands that we meet people where they are. If a person feels aggrieved as a result of an interaction with law enforcement, resources should be made available to resolve the conflict. Informal processes and formal processes should be made available, and we must understand that a single process is not the panacea for all circumstances. Moreover, the ADR Subcommittee was concerned about system involvement in these matters beyond structural racism and generational trauma. Accordingly, for matters that do not require review by a civilian oversight board, the ADR Subcommittee recommends that conflict resolution resources between police and community members be provided by trusted community-based organizations. The County should fund and support community organizations whose work is based in conflict resolution and equity because they have credibility in the communities they serve, and they are not subject to changing political philosophies.

Alternatives to and Within the Legal System

The criminal legal system often is the starting point for conversation on systemic racism because of the disproportionate number of minorities, and particularly Black people, entrenched in the system. Mass criminalization is a significant cause of racial inequity in the

United States, and focus should be placed on creating opportunities for people to avoid criminal records because of the collateral consequences to the person and the community from such involvement.

The County should promote all opportunities available to oppose systemic mass criminalization. Opportunities may utilize alternatives that employ restorative justice, mediation, arbitration, and community service practices. The questions, however, are not whether we should support alternatives or which alternatives should be used or promoted, the question is how. The ADR Subcommittee recommends addressing systemic inequities through community-based programs or the creation of an independent agency for alternative processes.

Equity demands that we provide robust and varied opportunities for court-involved people so that they do not stay involved in the legal system. The appropriate option should be determined based on the circumstances and with active participation of the offender and victim.

The ADR Subcommittee recommends that nonjudicial sanctions be provided to court-involved persons for misdemeanor or other low-level offenses so that the court-involved person can repair the harm caused by his/her actions through facilitated mediation by a neutral third-party. This type of process gives agency to all involved, reduces the burden on strained judicial resources, avoids unnecessary court time for police officers, and provides the court-involved person an opportunity to avoid a criminal record. Inherent distrust of the legal system suggests that neutral third-party mediation should be made available through a community-based organization with a commitment to conflict resolution and equity or through the creation of an independent public agency with a similar charge.

Subcommittee Recommendations

The ADR Subcommittee suggests that the County take steps to implement the recommendations contained in this Report in the short term and create performance plans to review the County and community's progress towards achieving the recommendations through the long-term.

Culture of Calling 9-1-1

- The County should launch a strong public-private campaign on the proper use of 9-1-1 resources and, at a minimum, include information on the resources currently available in lieu of police response. The messaging should be ongoing, and a website should be created (immediate).
- The County should launch a strong public-private campaign that promotes a shift in Arlington's culture on the use of 9-1-1 from one that captures every community need to one in which valuable police resources are used in emergency and public safety matters (immediate).
- The County should fund and support community organizations working in minority communities in which there is a distrust for law enforcement to establish strong police-community relationship (immediate).
- The County should support a robust community policing program based in authentic relationships with minority communities (immediate).
- The County should launch a strong public-private campaign that educates the community and agency stakeholders in bias. Messaging should be clear that the differences among community members should not be the basis for 9-1-1 resources. County messaging should focus on how community members can better evaluate the need for 9-1-1 resources in particular circumstances through an anti-racism mindset (immediate).
- The County should prosecute clear cases of racially motivated 9-1-1 calls under Virginia Code Section 18.2-461(Falsely Summoning Law Enforcement)¹⁵
- ; however, recognizing that most circumstances will be difficult to charge, it is necessary to focus on educating the community on systemic racism. No member of the community is immune from its harmful impacts; specifically, its impact on individual perception. Regular training should be given to all law enforcement, emergency center dispatchers, and legal system professionals on bias. Training should employ an anti-racism philosophy that encourages self-awareness and examination (short term).
- The County should encourage a culture of diversity and promote diversity and inclusion in its decision-making and leadership. The Arlington Police Department actively seeks diverse candidates, and the County should continue these efforts. The County should ensure diversity in its leadership within the criminal legal system. Diversity of experience and ideas promotes equitable outcomes for those impacted (immediate).

- The County should evaluate justice-based policies and procedure and ensure that they are anti-racist. This may require the creation of a diverse working group comprised of legal professionals, police officers, and the community (immediate).
- The County should develop anti-racism, equity-based goals for its performance plans for the criminal legal system (from entry to exit). (immediate)

Law Enforcement Response to Calls

- The County should provide any necessary funding to evaluate data collection needs and analysis capabilities and what additional data is necessary to accomplish the recommendations of the four (4) subcommittees (immediate).
- The County should revise and amend Section 17-13(C) (Refusal to Identify Oneself at the Request of a Police Officer) of the Arlington County Ordinance (short term).
- County should review police practices and procedures to ensure alignment with the Virginia Court of Appeals ruling in *Herrington* (immediate).
- Moreover, substantive training provided to law enforcement officer on requests for identification should focus on bias and promote anti-racism protocols (immediate).

Emergency Communications Center

- The County should expand ECC operations to allow dispatchers to respond to calls beyond its current binary protocol (short term).
- The County should provide regular and consistent anti-racism training to ECC dispatchers (immediate).
- The County should encourage a culture of diversity and promote diversity and inclusion in its decision-making and leadership. Diversity of experience and ideas promotes equitable outcomes for all impacted by calls for service (immediate).
- The County should commence a campaign that provides information regarding services alternatives to calling 9-1-1 in non-public safety matters (immediate).
- Data collection and analysis should be reviewed and expanded to better understand the present and future needs for the community and users of the 9-1-1 and 22-22 (i.e., non-emergency number) to guide decision-making and resource allocation (immediate).

Resources to Resolve Conflict Between Members of the Community and Law Enforcement

- The County should fund community-based organizations experienced in conflict resolution to resolve matters between law enforcement and aggrieved community members (immediate).

- The County should promote the availability of such resources to the community (immediate).
- The County should support community-based organizations that serve minority communities so that they can assist in advancing the goals of establishing or advancing police- community relationships (immediate).

Alternatives to and within the Legal System

- The County fund and support community-based programs that provide diversion opportunities to young people and adults so that they do not enter the legal system (immediate).
- The County fund and support the expansion of current diversion programs that keep youth from formal involvement in the juvenile legal system (immediate).
- The County fund and support the expansion of current diversion programs that allow adults to be released with supportive services pending adjudication on criminal matters (immediate).
- The County fund and support the expansion of programs for court-involved people that address substance use/abuse and mental health so that they do not continue cycling through the criminal system (immediate).
- The County fund and support expansion of court dockets that promote access to substance use/abuse and mental health services (short term).
- The County fund and support the creation of a program that implements non- judicial sanctions for misdemeanor and low-level offenses so that court-involved persons can avoid a criminal record (short term).

Evaluate and Assess Performance Measures

- Implementation of the public-private 9-1-1 campaign and the use of 9-1-1 resources.
- Implementation of community-police relational programs to address distrust of law enforcement in minority communities and promote public safety.
- Implementation of a public-private anti-racism campaign to educate the public on racial equity and social justice.
- Implementation of a robust anti-racism training program for law enforcement officers, criminal legal system personnel, and ECC personnel.
- Recruitment of diverse county leaders, decisionmakers, and personnel in the criminal

legal field, law enforcement, and the Emergency Communications Center.

- Revision of Section 17-13(C) of the Arlington County Ordinance, and other ordinances, to align with legal precedent and racial equity goals.
- Implementation of a comprehensive Emergency Communications Center that moves beyond the binary protocol.
- Implementation of data collection protocols to evaluate racial justice goals.
- Allocation of resources to community-based organizations to support conflict resolution programs and diversion programs.
- Allocation of resources to expand current court diversion programs and provide services to avoid pre-adjudication incarceration.
- Allocation of resources to expand the provision of services in order to interrupt continued criminal legal system involvement.
- Allocation of resources and implementation of an independent program that disrupts mass criminalization by utilizing non-judicial sanctions for misdemeanor and low-level offenses.

Stakeholder Roundtable

The ADR stakeholder roundtable was held on October 14; and participants representing a variety of perspectives and experiences. The session was focused on three core topics: (1) the culture of calling 9-1-1; (2) alternatives to law enforcement for preventing conflict in crime communities; and (3) alternatives to involvement in the criminal legal system. These talking points helped lead the discussion and keep the participants on track. All participants were respectful of one another and their opinions, which helped to facilitate a fair and effective dialogue.

The culture of 9-1-1

The first topic posed was around the culture of calling 9-1-1. There seemed to be two distinct themes: people who feel safe and entitled are comfortable calling 9-1-1, for even non-emergency matters and then there are people who are afraid of calling 9-1-1, even when there is an emergency with warranted police presence. Some participants noted that there are residents that might be more comfortable than others calling the police, and sometimes these may be people who are in positions of higher status and/or authority. Others noted that there are minorities that still may be fearful of the police, resulting in them not utilizing 9-1-1. Some of the reasons noted as to why people may not use 9-1-1 are because of lack of confidence in English speaking skills, imbalances of power dynamics, and their “lower” status as immigrants or as undocumented immigrants.

Stakeholders also talked about ways to encourage the vulnerable minorities to feel comfortable using 9-1-1 when necessary and how to promulgate the use of a non-emergency number for those who do not need to be calling 9-1-1 for arbitrary matters. Different recommendations ranged from stickers, flyers, and magnets to campaigns around the non-emergency number, 22-22, on the radio, tv, etc. similar to the campaign for 9-1-1 years ago. Educating the community and dispatchers on who should and should not be calling 9-1-1 was also mentioned.

Alternatives to law enforcement

When discussing alternatives to law enforcement for preventing conflicts in crime communities the topic of police as mediators was recurrent. During the discussion, there was a murky line drawn between maintaining the role of police to secure potentially unsafe situations and the role of social workers and other community organizations in assisting after the situation is secured to address the conflict. There was an expressed interest by participating stakeholders for police officers to have a public safety role; and utilize the role of social workers and other community organizations for conflict resolution types of needs. Participating stakeholders felt that police officers being trained as mediators may be beneficial, but that should not supersede the expertise and mandate of social workers and community organizations. Noting collaboration of the police with community experts, crisis intervention specialists, and social workers is necessary. Further, stakeholders indicated steps need to be taken to ensure that victims do not slip through the cracks in the space between responding organizations; sometimes the hand-off from officers to

community members lacks in communication and understanding of the roles of all parties. Also discussed was more comprehensive de-escalation training, training police on the availability and mandates of community organizations, training to increase awareness of victims' resources and defining who the community peace makers and builders are.

There were a few different suggestions from stakeholders on alternatives to involvement in the criminal legal system, including the use of restorative justice, especially when it came to more serious offenses. Some noted restorative justice addresses the harm done to a self-identified person and is intended to repair the relationship. There was advocacy for more diversion programs, a need for third party neutrals to resolve low-level offenses, providing more opportunities for youths and a focus on children (especially in the times of COVID-19), and to promote grace and the humanization of the other.

Online Community Feedback

Online engagement related to alternative dispute resolutions asked members of the community to share thoughts on potential alternative dispute resolutions, such as restorative justice, mediation, etc., in lieu of traditional policing or criminal justice strategies. There was a total of ***thirty-two (32) unique responses*** to this prompt.

Of the 32 responses submitted, over 70% of them were related to three (3) major emerging themes which included: Restorative Justice Program, Alternative Dispute Resolutions Being Made Available, and Neighborhood/Community Mediators.

- **Restorative Justice Program:** Approximately 50% of all responses on alternative dispute resolutions called for Arlington to have a restorative justice program as an alternative for policing and the criminal justice system. Examples of restorative justice programs include a potential pilot program that is coupled with mental health, allowing for “off ramps/diversion” for people with mental health disorders, developmental disabilities, and substance use disorders. Many are seeking a restorative justice program in appropriate cases in order to free up law enforcement and legal resources and reduce incarceration rates.
- **Alternative Dispute Resolutions Being Made Available:** Approximately 13% of responses call for the immediately availability of alternative dispute resolutions in Arlington County, specifically to provide a process to address harm outside of a courtroom and destigmatize and divert cases, resulting in resolving issues. Additionally, there are asks for County funding for an alternative dispute resolution process in lieu of policing funding.
- **Neighborhood/Community Mediators:** Approximately 9% of responses ask for the use of neighborhood/community mediators to act as intermediaries between the community and police, to de-escalate nonviolent community matters, and to resolve disputes.
- A matrix of all the responses can be found [here](#).

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