

Office of the Independent Police Auditor

Mission

The Office of the Independent Police Auditor bolsters trust between the citizens of Fairfax County and the Fairfax County Police Department by providing accountability, fairness, transparency and trust in the complaint system and investigative process. The Office of the Independent Police Auditor also provides an accessible, safe, impartial, and responsive intake venue for complaints against the Fairfax County Police Department and its employees.

Focus

The Office of the Independent Police Auditor (OIPA) was established by the Fairfax County Board of Supervisors (BOS) on September 20, 2016 in response to recommendations from the Ad-Hoc Police Practices Review Commission. In creating the OIPA, the BOS mandated that the Auditor shall review Fairfax County Police Department (FCPD) use of force investigations that involve serious injury or death, including officer involved shootings, or which are the subject of a public complaint made to the FCPD or the Auditor.

The OIPA monitors and reviews internal investigations of all relevant use of force cases and in-custody deaths to determine the thoroughness, completeness, accuracy, objectivity, and impartiality of FCPD investigations. The OIPA issues a public report for each reviewed internal/administrative investigation (incident reports). The OIPA also produces an annual report, as well as additional reports on FCPD policy recommendations or data reviews. Through its reports, the Auditor makes public recommendations concerning revisions of FCPD policies, training, and practices.

Another core function of the OIPA is to serve as an independent intake venue for complaints against the FCPD. The OIPA processes citizen complaints concerning various issues including use of force, and those under the purview of the Fairfax County Police Civilian Review Panel (CRP), such as allegations of serious misconduct and abuse of authority. Citizens may submit complaints to the OIPA in lieu of submitting them directly to the FCPD. Citizens may request that the Auditor or the CRP review an already completed FCPD investigation if they remain unsatisfied with the results.

The OIPA also provides ongoing administrative support to the CRP and delivers its annual reports to the BOS. Administrative support includes the provision of logistical support for CRP business meetings, outreach and community events, and producing meeting summaries and audio recordings of all public meetings.

Pandemic Response and Impact

During the COVID-19 pandemic, the OIPA had to close its physical doors to the public but continued to conduct its core functions virtually. The OIPA resumed its reviews of internal investigations on a limited basis at the FCPD following a two-month disruption, during which the FCPD was focused on their COVID response. OIPA staff continued to coordinate with the FCPD virtually during this time to ensure the collection of data for a research study on the racial disparity of the use of force in the County. The OIPA also continued to process citizen complaints submitted online against the FCPD and provided logistical support to the CRP.

Budget and Staff Resources

Category	FY 2019 Actual	FY 2020 Adopted	FY 2020 Revised	FY 2021 Advertised	FY 2021 Adopted
FUNDING					
Expenditures:					
Personnel Services	\$284,446	\$295,523	\$295,523	\$309,759	\$295,523
Operating Expenses	32,933	32,675	132,675	32,675	32,675
Total Expenditures	\$317,379	\$328,198	\$428,198	\$342,434	\$328,198
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)					
Regular	3 / 3	3 / 3	3 / 3	3 / 3	3 / 3

FY 2021 Funding Adjustments

The following funding adjustments from the FY 2020 Adopted Budget Plan are necessary to support the FY 2021 program. Included are all adjustments recommended by the County Executive that were approved by the Board of Supervisors, as well as any additional Board of Supervisors' actions, as approved in the adoption of the Budget on May 12, 2020.

FY 2021 funding remains at the same level as the FY 2020 Adopted Budget Plan.

Changes to FY 2020 Adopted Budget Plan

The following funding adjustments reflect all approved changes in the FY 2020 Revised Budget Plan since passage of the FY 2020 Adopted Budget Plan. Included are all adjustments made as part of the FY 2019 Carryover Review, FY 2020 Third Quarter Review, and all other approved changes through April 30, 2020.

Carryover Adjustments \$100,000
 As part of the FY 2019 Carryover Review, the Board of Supervisors approved funding of \$100,000 for further review of the Fairfax County Police Department's use of force data. On May 7, 2019, the Board unanimously directed the Independent Police Auditor to search for an academic or research partner to conduct a review of the Police Department's use of force cases.

Position Detail

The FY 2021 Adopted Budget Plan includes the following positions:

OFFICE OF THE INDEPENDENT POLICE AUDITOR – 3 Positions			
1	Independent Police Auditor	1	Management Analyst I
1	Management Analyst II		

Performance Measurement Results

The Office of the Independent Police Auditor started tracking partial performance measurement data in FY 2017. Once fully staffed in FY 2018, measures were refined to better reflect the agency's focus and to more effectively measure its operations.

While the number of incidents reviewed depends on the volume and type of uses of force that occur within the County, the Auditor's reviews have increased each year since the inception of the office in April 2017. The Auditor reviewed nine FCPD internal investigations in FY 2018 and 19 investigations in FY 2019. These numbers reflect the number of investigations reviewed or under review during the fiscal year and include investigation reviews subject to a complaint made by the FCPD. Upon completion of a review, the Auditor issued five incident reports in FY 2018 and nine reports in

FY 2019. It is anticipated that the Auditor will conduct 11 reviews and will have completed at least nine incident reports in FY 2020.

As specified in the BOS action item creating the OIPA, the Auditor must issue a public report within 60 days of having access to the complete investigation file. The Auditor has met this deadline with 100 percent of reports to date.

In addition to the nine incident reports, the Auditor developed an annual report and two additional ad-hoc reports in FY 2019. The Auditor anticipates publishing two ad-hoc reports in FY 2020 to include a review of racial disparity in the use of force incidents and an annual report.

Through the publication of reports, the OIPA makes public recommendations on revisions to FCPD policies, training, and practices. The OIPA tracks its recommendations and whether they are ultimately adopted by the FCPD. As it takes time and resources to memorialize policy changes, OIPA anticipates recommendations made in one fiscal year may not be adopted during the same fiscal year. During FY 2018 and FY 2019, the Auditor provided a total of 13 recommendations to the FCPD, and the FCPD formally adopted four recommendations in FY 2019. To date, only one OIPA recommendation was not adopted, or adopted with modifications, by the FCPD. It is anticipated that at least eight recommendations will be adopted by the FCPD in FY 2020.

The number of complaints processed each year depends on the number of County citizens who choose to submit complaints through the OIPA for Auditor or Panel review, rather than filing complaints directly to the FCPD. There has been an increasing volume in complaints received over the past three years by the OIPA, presumably as a result of increased exposure of the civilian review process within the County. The OIPA processed two citizen complaints concerning uses of force in FY 2019 (i.e., those under the Auditor's authority) and 36 complaints concerning issues under the CRP's authority (i.e., allegations of serious misconduct and abuse of authority) that same year. The OIPA estimates receiving at least two complaints that fall under the Auditor's authority and approximately 25 complaints that fall under the purview of the CRP in FY 2020.

In addition to complaint intake on behalf of the CRP, the OIPA provides administrative support to the Panel. OIPA staff supported 17 meetings in FY 2019. These meetings include the CRP's regular business meetings, subcommittee meetings, trainings, and community outreach events. It is anticipated that OIPA staff will continue to provide a similar level of support in FY 2020 with an estimated 15 events. Starting in December 2017, the OIPA took over responsibility for producing the Panel's meeting summaries in a timely manner. In FY 2019, OIPA staff produced summaries within two weeks of the meeting date 100 percent of the time and anticipates continuing to meet this goal in FY 2020 and beyond.

Staff time and operational costs dedicated to supporting the CRP increased over the first three years of operations as the OIPA filled its Management Analyst positions in FY 2018. While the Management Analyst I provides the majority of the day-to-day administrative support to the Panel, all staff within the OIPA provide some level of support. In FY 2019, 2,108 hours of staff time were provided in support of the CRP. It is anticipated that in FY 2020, a similar level of OIPA staff time will support the CRP's functions. Personnel and operational costs specific to the CRP were \$85,213 in FY 2019 and are expected to remain steady in FY 2020.

Office of the Independent Police Auditor

Indicator	FY 2017 Actual	FY 2018 Actual	FY 2019 Estimate/Actual	FY 2020 Estimate	FY 2021 Estimate
Investigations reviewed	2	9	10/19	11	10
Reports published	0	6	11/12	11	10
Policies/Practices/Training recommendations provided	NA	7	4/6	3	3
Policies/Practices/Training recommendations adopted by FCPD	0	0	3/4	8	2
CRP meetings, educational and community events supported	10	18	15/17	15	15

A complete list of performance measures can be viewed at
<https://www.fairfaxcounty.gov/budget/fy-2021-adopted-performance-measures-pm>