

Office of the Independent Police Auditor

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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 Office of the Independent Police Auditor supports the following County Vision Elements:



Maintaining Safe and Caring Communities



Exercising Corporate Stewardship

In FY 2017, funds to support the creation of this Office were reallocated from a reserve established to support recommendations of the Ad-Hoc Police Practices Review Commission as part of the *FY 2017 Third Quarter Review*. Recurring funding was included to support this Office in the [FY 2018 Adopted Budget Plan](#). The position of Independent Police Auditor was filled, and the OIPA became operational on April 17, 2017.

The OIPA monitors and reviews internal investigations of all relevant use of force cases and in custody-deaths (that occurred on or after January 1, 2017) 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

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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.

Budget and Staff Resources

Category	FY 2018 Actual	FY 2019 Adopted	FY 2019 Revised	FY 2020 Advertised	FY 2020 Adopted
FUNDING					
Expenditures:					
Personnel Services	\$202,977	\$283,702	\$283,702	\$292,402	\$295,523
Operating Expenses	24,603	32,675	34,042	32,675	32,675
Total Expenditures	\$227,580	\$316,377	\$317,744	\$325,077	\$328,198
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)					
Regular	3 / 3	3 / 3	3 / 3	3 / 3	3 / 3
1 Independent Police Auditor		1 Independent Police Auditor Analyst II		1 Independent Police Auditor Analyst I	
TOTAL POSITIONS					
3 Positions / 3.0 FTE					

FY 2020 Funding Adjustments

The following funding adjustments from the FY 2019 Adopted Budget Plan are necessary to support the FY 2020 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 7, 2019.

- ◆ **Employee Compensation** **\$11,821**
An increase of \$11,821 in Personnel Services includes \$5,958 for a 2.10 percent market rate adjustment (MRA) for all employees and \$5,863 for performance-based and longevity increases for non-uniformed merit employees, both effective July 2019.

Changes to FY 2019 Adopted Budget Plan

The following funding adjustments reflect all approved changes in the FY 2019 Revised Budget Plan since passage of the FY 2019 Adopted Budget Plan. Included are all adjustments made as part of the FY 2018 Carryover Review, FY 2019 Third Quarter Review, and all other approved changes through April 30, 2019.

- ◆ **Carryover Adjustments** **\$1,367**
As part of the FY 2018 Carryover Review, the Board of Supervisors approved funding of \$1,367 in unencumbered carryover in Operating Expenses associated with the Incentive Reinvestment Initiative.

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Key Performance Measures

Indicator	Prior Year Actuals			Current Estimate	Future Estimate
	FY 2016 Actual	FY 2017 Actual	FY 2018 Estimate/Actual	FY 2019	FY 2020
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Investigations reviewed	NA	2	12/9	10	10
Reports published ¹	NA	0	13/6	11	12
Policies/Practices/Training recommendations provided	NA	NA	4/7	4	5
Policies/Practices/Training Recommendations adopted by FCPD	NA	0	3/0	3	5
CRP meetings, educational and community events supported	NA	10	15/18	15	17

¹Reports include incident-specific reports, the annual report, and other ad-hoc reports such as those summarizing policy or data reviews.

A complete list of performance measures can be viewed at
<https://www.fairfaxcounty.gov/budget/fy-2020-adopted-performance-measures-pm>

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. After opening the agency in April 2017, the Auditor began his review of two FCPD internal investigations in FY 2017. The Auditor started reviewing an additional nine investigations in FY 2018 and produced six reports, which include one additional report and five incident reports. While the number of incidents reviewed depends on the volume and type of uses of force that occur within the County, it is anticipated that the Auditor will commence a similar amount of reviews and will have completed at least 11 reports in FY 2019, which should include two additional reports and nine incident reports.

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 his reports to date.

The Auditor developed an annual report in FY 2018 and will have produced at least two additional ad-hoc reports in FY 2019, to include another annual report and a review of the disparity of use of force incidents by force.

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 adopted by the FCPD. By the end of FY 2018, the Auditor provided seven recommendations to the FCPD, but it had yet to formally adopt any recommendations. As it takes time and resources to memorialize policy changes, it is anticipated that at least three recommendations will be adopted by the FCPD in FY 2019.

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 two years by the

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OIPA, presumably as a result of increased exposure of the civilian review process within the County. The OIPA processed three citizen complaints concerning uses of force in FY 2018 (i.e., those under the Auditor's authority) and 13 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 three complaints that fall under the Auditor's authority and approximately 25 complaints that fall under the purview of the CRP in FY 2019.

In addition to complaint intake on behalf of the CRP, the OIPA provides administrative support to the Panel. OIPA staff supported 10 meetings in FY 2017 and 18 meetings in FY 2018. These meetings include the CRP's regular business meeting, subcommittee meetings, trainings, and community outreach events. It is anticipated that OIPA staff will continue to provide a similar level of support in FY 2019 (estimate of 15 events). Starting in December 2017, the OIPA took over responsibility for producing the Panel's meeting summaries in a timely manner. In FY 2018, 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 2019 and beyond.

Staff time and operational costs dedicated to supporting the CRP increased over the first two 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 2017, 120 hours of staff time in support of the CRP and in FY 2018, 921 hours of staff time were provided. It is anticipated that in FY 2019, 1,900 hours of OIPA staff time will support the CRP's functions. Staff time and operational costs specific to the CRP are also expected to increase from \$54,915 in FY 2018 to approximately \$69,812 in FY 2019 (costs were not tracked in FY 2017).