Final Report and Recommendations of the Task Force to Establish Civilian Oversight in Richmond, VA

Submitted to Richmond City Council **Aug 31, 2021**

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Introduction

The Richmond City Council Task Force for the Establishment of a Civilian Review Board (the "Task Force") was established by Ordinance 2020-155, adopted July 27, 2020, to make recommendations on establishing a Civilian Review Board (CRB) in Richmond. The Task Force was composed of 9 members that were selected by Richmond City Council. These selected members represented a variety of professional backgrounds in the public and private sectors. Each member also had prior experience with or knowledge of policing in Richmond.

In order to gather information needed to suggest effective police oversight, this task force studied other CRB's activities and outcomes, studied ordinances and existing laws, sought input from local and national experts on civilian oversight, and held virtual weekly meetings that were open to the public and where public participation was encouraged. These meetings were recorded and shared. An outreach subcommittee was established that held separate weekly meetings during the month of June, that were also open to the public. Also, a gmail and twitter account was created to communicate with the community and stakeholders.

The Task Force met with Richmond City Council members, Richmond Police Department, the Commonwealth's Attorney, The Public Defender's Office, the Mayor's Office, RCOP, Virginia Beach Citizen's Review Panel Task Force, and the Virginia Holistic Justice Initiative. We had presentations from a member of the Charlottesville CRB task force, RPD internal Affairs, and the former head of the Police Accountability Task Force in Chicago. We conducted outreach to civic groups, civil rights organizations, community based non profit organizations, community leaders, criminal justice activists and Richmond Police Department.

As part of the community outreach efforts, the Task Force held town halls and also created a survey for members of the community that received over 900 responses. We canvassed neighborhoods, handed out flyers, and utilized social media to ensure that the community was aware of our work and to gather their input.

The Task Force utilized feedback and the information gathered from our meetings, outreach events, best practices from other jurisdictions, and our survey, to create this report. This report recommends establishing an office of Community Oversight and Police Accountability, a body of police oversight that is tailored to fit the needs of our community and be successful in the City of Richmond, while also complying with local and state law.

Research Regarding Scope and Powers

Virginia State Law

Virginia State Law, SB 5035, went into effect July 1, 2021 granting civilian oversight bodies a number of powers in carrying out their oversight functions that were considered by the Task Force. In particular, this legislation allowed the Task Force to consider whether or how that body can:

1. Receive, investigate, and issue findings on complaints from civilians regarding conduct of law-enforcement officers and civilian employees of law enforcement agencies.
2. Investigate and issue findings on incidents, including, but not limited to: use of force, death or serious injury to any person held in custody, serious abuse of authority or misconduct, discriminatory stops, and other incidents regarding conduct.
3. Make binding disciplinary decisions regarding those investigations.
4. Investigate and make recommendations regardings policies, practices, and procedures
5. Review investigations conducted by law-enforcement agencies and issues findings and recommendations regarding those investigations, including whether the investigation, findings, or discipline recommend were sufficient
6. Request reports of law-enforcement budgets and make budgetary recommendations.
7. Make public reports regarding the activities of the civilian oversight body.
8. Undertake any other duties as reasonably necessary for the civilian oversight body to effectively perform its duties (as authorized by the locality)

Review of Best Practices

Civilian oversight operates differently in many jurisdictions, as such, the Task Force considered practices from other jurisdictions (nationally and within Virginia), as well as best practices outlined by national organizations to consider how those practices could be implemented in Richmond and whether those practices were appropriate given the specific context of Richmond and input from local stakeholders.

- *Types of Investigations and Complaints*

  National organizations including the Commission on Accreditation For Law Enforcement Agencies and the National Association on Civilian Oversight of Law Enforcement (NACOLE) agree that accepting all types of complaints is a best practice. Accepting only some types of complaints can lead to subjective enforcement and/or inappropriate use of discretion. Acceptance of all complaints helps ensure that all complaints are treated with the same level of care and demonstrates to community members that their concerns are taken seriously.

  Likewise, most major city's oversight bodies (including jurisdictions like Minneapolis, Atlanta, Portland, New Orleans, etc.) investigate all complaints. In Virginia, Charlottesville's oversight body accepts all complaints, while Fairfax County and Virginia Beach only handle serious complaints.

  We also did legal research into the ability of civilian oversight bodies to take or investigate retroactive complaints. In seeking guidance from the City Attorney's Office, our understanding is that there is no precedent in Virginia for taking complaints retroactively (prior to the formation of an oversight body). And this may present legal challenges. However, documentation of complaints without imposition of discipline does not present the same legal hurdles.

  In terms of investigations, over ⅕ of civilian oversight bodies have an investigative component. As NACOLE points out, an investigative function is particularly important when

there is community distrust in the ability of law enforcement agencies to remain fair and impartial to their own members.

- *Ability to make binding disciplinary decisions*
  The ability to make binding disciplinary decisions is less common than to review Internal Affairs decisions, with this power granted to roughly 10% of similarly sized oversight bodies. However, national organizations including NACOLE and the American Civil Liberties Union recognize that this power is key to providing an oversight agency that is truly independent of the police. Moreover, in several jurisdictions that track whether the Chief of Police imposes the disciplinary determinations of Internal Affairs vs. the civilian oversight body, Internal Affairs findings are followed more often than the civilian oversight body. As this is a new power, under Virginia law, there are currently no other oversight bodies in Virginia with this power.

- *Policy Recommendations*
  The ability to make policy decisions or recommendations is granted to roughly 25% of similarly sized oversight bodies. NACOLE discusses the importance of the ability to make these recommendations as a measure that can help to improve relationships between the community and the police department. Moreover, they note that when police departments choose not to follow policy recommendations (or choose to alter those recommendations), it can undermine the goals of civilian oversight if the police department fails to provide a basis for it's decisions. Additionally, the public should remain informed as to how often and why recommendations are not followed.

- *Budgetary Recommendations*
  The data on how many similarly sized oversight bodies make budgetary recommendations is unclear. While other jurisdictions in Virginia do not have this authority, it is outlined as a potential power under VIrginia State law.

- *Public Reporting/ Auditing Function*
  While auditing is a less common function, with only 7% of oversight bodies in similarly sized cities having this function, it can be critical in improving police community relationships. NACOLE suggests that "Systematic reporting provides transparency and accountability to the community, and typically includes complaint analysis and other observations about the law enforcement organization and its practices. Reporting also increases public confidence in the oversight agency, as much of the work related to complaint investigations may be confidential and protected from public disclosure."

- *Other Functions and Powers- Subpoena Power*
  There is limited data on how many jurisdictions specifically grant subpoena power to their oversight bodies. As a newly enacted power under Virginia State law, there are not currently other jurisdictions in the state that have this power. However, any oversight body must be

empowered to carry out their duties, and the ability to compel cooperation from the police department is a critical component of those duties.

Stakeholder Input

The Task Force engaged multiple stakeholders to ensure a wide cross-section of feedback for recommendations. Community engagement was led by the chair of outreach, while engagement with public officials and police were led by the Task Force co-chairs.

- Community

  Each week, the Task Force held two meetings where the public was invited to attend. In each of these meetings, the Task Force set aside time to allow the public to offer feedback and ask questions about the establishment of a Civilian Review Board. To complement the weekly meetings, the Task Force held five Town Hall meetings. The purpose of these meetings was two-fold: to provide context and updates around the Task Force activities, and to receive input on what the community would like to see in a Civilian Review Board. To promote attendance to events, the Task Force also met with local civic and non-profit organizations to encourage them to share information about upcoming events.

  The Task Force set up digital and physical avenues for increased engagement. The Task Force used Twitter and Email to connect digitally, and connected with individuals in the community physically through canvassing efforts.

  To obtain community answers to pointed questions, the Task Force created a survey, which was available for 7 weeks online and through paper copies. The survey received 925 responses, with all 9 Richmond voter districts represented. The results of this survey are located in Appendix I.

- Public Officials, Richmond Police, Other Orgs

  Task Force members collaborated with a variety of public officials individually, including 6 council members, the mayor, and the Commonwealth Attorney. The Task Force also met with the Richmond Police department, who provided context around their own best practices, and updated Internal Affairs processes. Meetings with individuals from groups such as the Richmond Coalition of Police served to provide the Task Force with insight from frontline officers.

Recommendations Regarding Scope and Powers

Types of Investigations and Complaints

It is recommended that this body accept all complaints (from public and internally) including but not limited to serious complaints of use of force, abuse of power, discourtesy, retaliation and violations of policy, failure to provide identification, threats. This list of what complaints to accept is to include all instances where a citizen or official would deem unfair, unjust, and/or illegal. This

recommendation is based on the Commission on Accreditation For Law Enforcement Agencies standards that suggest that if only some types of complaints are investigated, this can lead to subjective enforcement and/or inappropriate use of discretion. Furthermore, NACOLE's best practices suggest that all complaints that constitute misconduct on the part of an officer should be investigated. Town hall comments suggested that all complaints should be heard. Also see response in Appendix I.

Retroactive Complaints
In regards to taking retroactive complaints, (those that occurred before the establishment of the oversight body) this task force would recommend that complaints may be taken, investigated and used to gather data on former misconduct, but instances that have occurred prior to the formations of the CRN or been previously disciplined, should only be kept for record keeping. This Task Force consulted with the City Attorney who advised that because Va. Code § 9.1-601 does not give guidance or power on accepting retroactive complaints, nor does any case law exist that provides guidance on this matter, the legality of taking retroactive complaints is in question.

Complaints that took place before the establishment of the CRB/Police Oversight body should be taken for record keeping purposes, but the body would not have the authority to take retroactive complaints at this time.

Ability to make binding disciplinary decisions
We recommend that the CRB have the authority to make binding disciplinary decisions in order to maintain its independence from the police department, and to ensure the board is truly effective.

Policy Recommendations
We recommend that the office be able to make recommendations about police policy and practices. This is important in rebuilding community trust, ensuring that citizens' concerns are given a voice in decision making, and that concerns that arise from audits of policing data can be proactively addressed. Moreover, we recommend that all recommendations receive a response from the RIchmond Police Department within 30 days of their submission and that justification is provided for any recommendations that are not implemented (or are altered from their original form).

Budgetary Recommendations
We recommend that the office be able to make recommendations regarding the Richmond Police Department's budget. While some budget items may not be flexible, there were concerns raised from stakeholders and community members about budget priorities. Notably, the high expense of mandatory overtime and the toll that takes on officers was a major area of concern.

Public Reporting/ Auditing Function
We recommend that the office be able to audit police data in order to identify potential patterns or concerns with policing in Richmond. Moreover, the ability to audit police data will ensure that resident's questions about how policing functions in Richmond can be addressed clearly and transparently. Moreover, the office should regularly issue public reports on its findings.

Other Functions- Subpoena Power
In keeping with Ordinance No. 2020-155, we recommend subpoena power, which is necessary in order for the office to carry out its functions.

Other Functions- Confidential Reporting Concerns about Police Policy and Procedure
We recommend that the office also take concerns from members of the public and members of the Richmond Police Department in a confidential manner to identify potential problems that can be addressed through policy recommendations. These concerns should be handled by the policy analyst.

Recommendations Regarding Composition and Location of CRB

Board Member Qualifications
We recommend the following qualifications for board members, in keeping with VA Code § 9.1-601, which requires the board to reflect the demographics of the city and bars law enforcement officers (current or retired) from serving on a CRB in a voting capacity.

- Reflect demographics of city
- Not a current or retired law enforcement officer

We also recommend the following qualifications:

- Resident of Richmond, VA
- 18 years or older
- Record of community involvement (up to discretion of City Council)

We recommend the following requirements for training of CRB members:

- Training to familiarize board members with police policies and procedures, which may include the Citizen's Police Academy, ride alongs, shadowing of officers, jail visits, or other methods. Due to the background checks required to participate in a ride along or lack of comfort in engaging in a ride along, this should be an optional and not required form of training.
- DEI training - Training on the history of Richmond and Racial Competency.

Staff Qualifications
We recommend the qualifications for the CRB staff align with those recommended by NACOLE at (https://www.nacole.org/qualifications). Additionally, we have sample position descriptions in Appendix II.

Appointment Process
We recommend that the Governmental Operations Standing Committee makes an initial recommendation of a slate of 11 CRB members, with staggered terms. That slate of candidates should be moved forward and approved by City Council. Four members should be appointed for 3 years, four should be appointed for 2 years, and 3 should be appointed for 1 year. CRB members can only be reappointed for one consecutive term. No more than 2 members from any council district

may serve on the CRB at any given time, to ensure representation from across the city. This is aligned with practices in other jurisdictions.

Location within City government structure
We recommend that the CRB will have its own department to avoid conflicts of interest; this is aligned with the recommendations of the City Attorney's Office. As such, we recommend creating a department or office of "Community Oversight and Police Accountability" independent from other City departments or offices.

Physical location of the office
We recommend that the location of the CRB office follows the following criteria:

- Not located within or close to a police station or other offices related to criminal justice — in a "neutral" space that wouldn't deter people from submitting a complaint
- Accessible by public transit—to make it available to as many people as possible
- Geographically, it should be located in a central and convenient area
- Located in a handicap accessible building

Budget Recommendations

In establishing a budget, the task force was careful to consider best practices in terms of funding, but also how the funding request compares to other jurisdictions. There are several key elements that are used to determine budget allocations for civilian oversight models. For example, the National Association for Civilian Oversight of Law Enforcement suggests 1% of the police department budget as a standard amount, but recognizes that amount will vary due to community needs. In practice, civilian oversight bodies' budgets range from no funding to up to 5% of the annual police budget, though there are large variations in effectiveness based on funding. Final recommendations for the budget and positions outlined below are based on the unique needs and concerns of residents and stakeholders within the City of Richmond. The full Budget Estimate prepared by the Task Force for Establishing Civilian Oversight is available in Appendix II. Additionally, there is an office organization chart in Appendix III outlining the roles and relationships for these positions.

- Executive Director- An executive director is a critical position in overseeing an office for civilian oversight. Across jurisdictions, this is the most common full time staff member that supports the work of the civilian oversight body.

- Investigators (5 full time, 1 part time)- Complaint data from annual reports from RPD and use of force reports from 2017-2020 was used to calculate the number of investigators needed. Data was not available on officer involved shooting from RPD's 2017 annual report, however this data was collected and reported by the Richmond Transparency and Accountability Project.

Investigators are necessary to conduct investigations that are independent of the police department, and independence of the civilian oversight body is one of the key issues that the CRB Task Force was charged with addressing.

- Auditor- An auditor functions to monitor patterns and trends in data related to policing. This may include access to sensitive information regarding complaints against police officers, use of force cases, and analysis of overall trends in policing and crime data in the city. Likewise, the auditor may make regular reports and presentations on this data to ensure transparency, accountability, and equity in policing in Richmond.

- Policy Analyst- A policy analyst is necessary for reviewing police policies and procedures, recommending changes to policy based on issues raised by CRB members, community members, or based on patterns and trends in data identified by the auditor. Such recommendations are essential to larger scale changes to the police department that ensure that all Richmonders concerns about police policies and procedures are addressed.

- Outside Legal Counsel- Due to the sensitive nature of the work of a CRB, there is often the need for those bodies to access independent legal advice. The nature of the work can create conflicts of interest if the city's legal office is used. Based on other jurisdictions, it is expected that the CRB will need to rely on outside legal counsel to a greater degree as it is established. While outside legal counsel will be an ongoing need, this cost will likely decrease over time.

- Mediation- Mediation is a cost-effective solution to addressing complaints against officers that results in positive outcomes for both community members and the officers involved in the mediation process. Data from other jurisdictions that offer mediation services have roughly 40% of complaints resolved through mediation. Mediation also typically results in more satisfactory results to both the complainant and the officer involved, with nearly 85% satisfaction rates among community members and nearly 95% satisfaction rates among officers.

- Outreach and Support Staff- As a new program, substantial work will be needed to make the public aware of the newly formed civilian oversight body. These positions are also necessary for the administrative record keeping duties of such a body.

- Stipend for Board Members- Stipends for board members are reflective of the work being conducted by community members on behalf of the city. These stipends also help ensure that access to participation on the civilian oversight body is equitable. Offering stipends ensures that individuals with lower incomes are being paid for their services, that people with children can pay for child care as they are conducting the work of the board, and can generally help offset the costs of participation in an important and time consuming task.

Phase in Plan

Given the timeline of the work of the Task Force, the time that will be required for City Council to vote on an ordinance establishing civilian oversight, and the time required to seat a review board and hire the required positions, only partial year funding was approved for FY 2022 in the amount of $200,000. Partial year funding will require a phase in of the positions recommended in the above section. The following phase-in plan would ensure that the CRB could fulfill its most basic duties (independent oversight and investigation of complaints) immediately. The budget breakdown for the phase in is available in Appendix II.

- Executive Director
- Investigators (2 full-time)
- Outside Legal Counsel
- Mediation
- Outreach and Support Staff (1 full-time)
- Stipend for Board Members

Conclusion

This report recommends establishing an office of Community Oversight and Police Accountability, with the components outlined above. These recommendations constitute a body of police oversight that meets the needs of our community, as determined through community engagement, meetings with numerous stakeholders in the City of Richmond, and is compliant with applicable local and state law.

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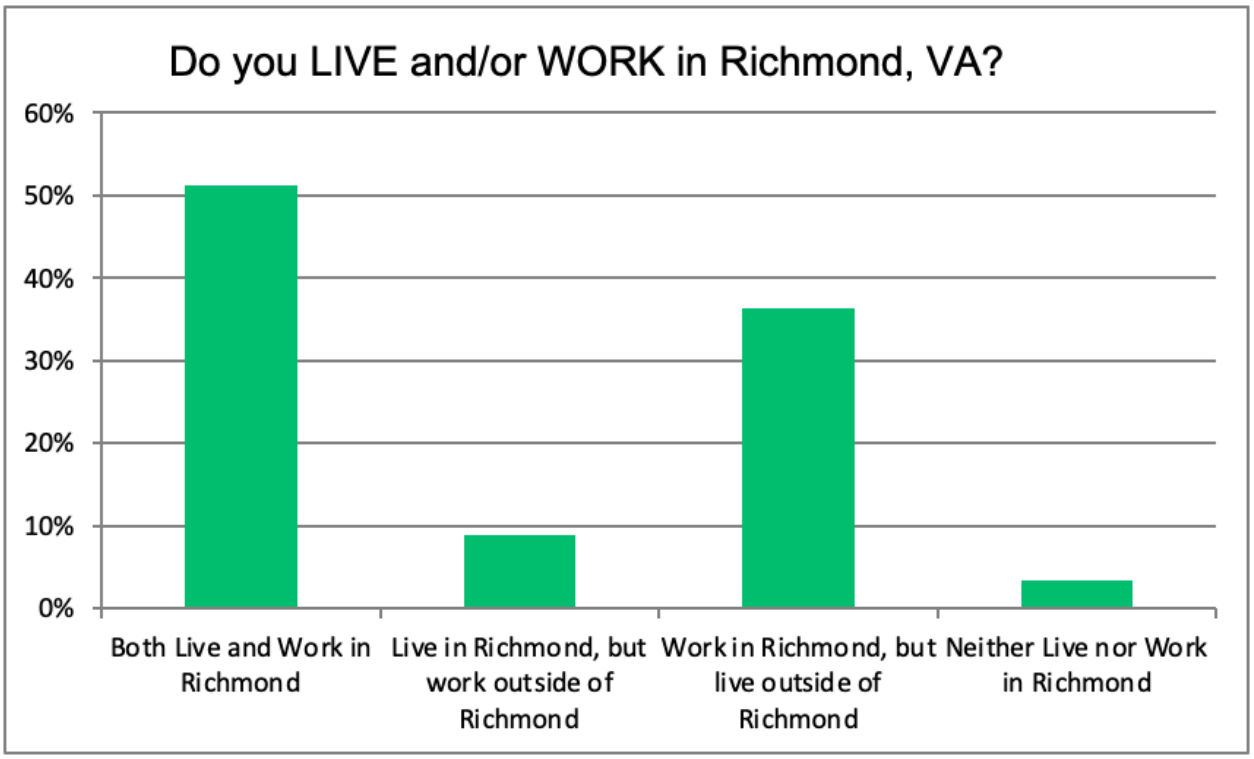
Appendix I - Survey Results and Findings

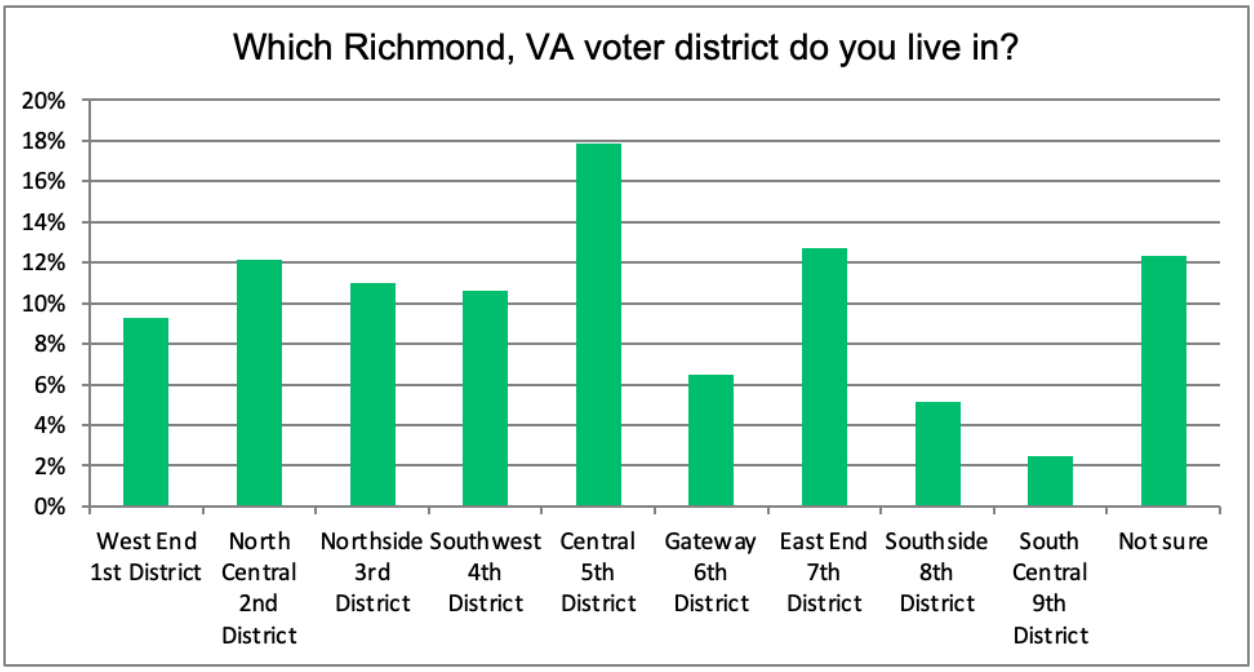
The Task Force created a survey to obtain feedback from the community on the establishment of a Civilian Review Board. This survey received 925 reponses (N = 925), with 556 of those being Richmond residents. Not all questions were mandatory, so some questions did not receive responses from all respondents. Open-ended questions were read to obtain themes, but were not explicitly included in this section.

Question 1: Do you live and/or work in Richmond, VA?



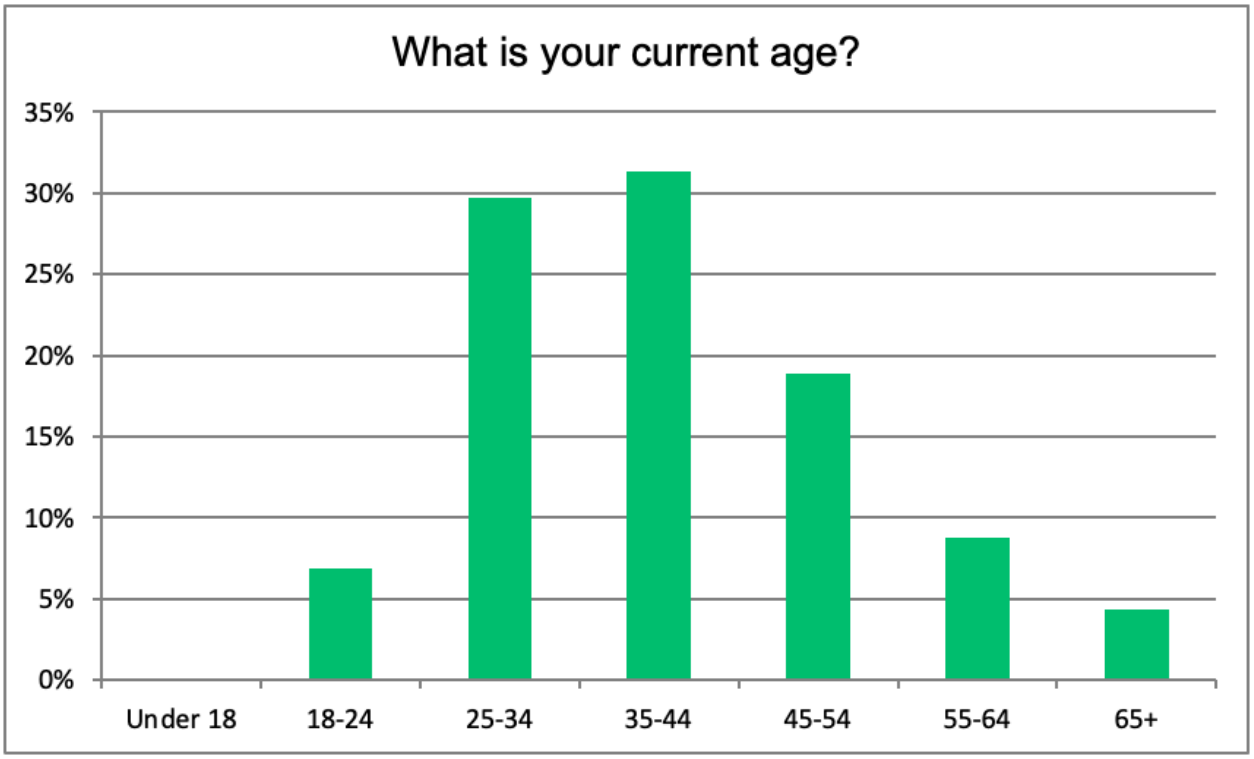
Question 2 (free response for those that live in Richmond)**:** What is your home zip code?

Question 3: What Richmond, VA voter district do you live in?

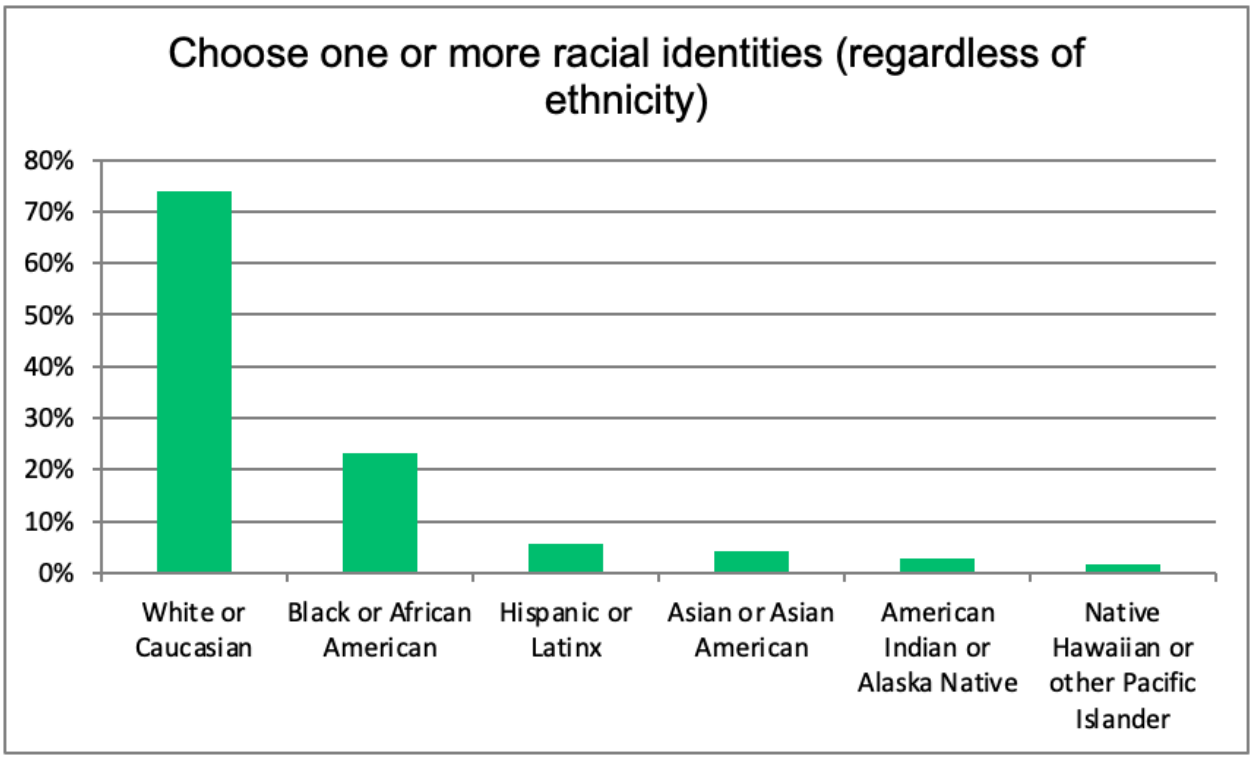


Question 4 (free response): What is your work zip code?

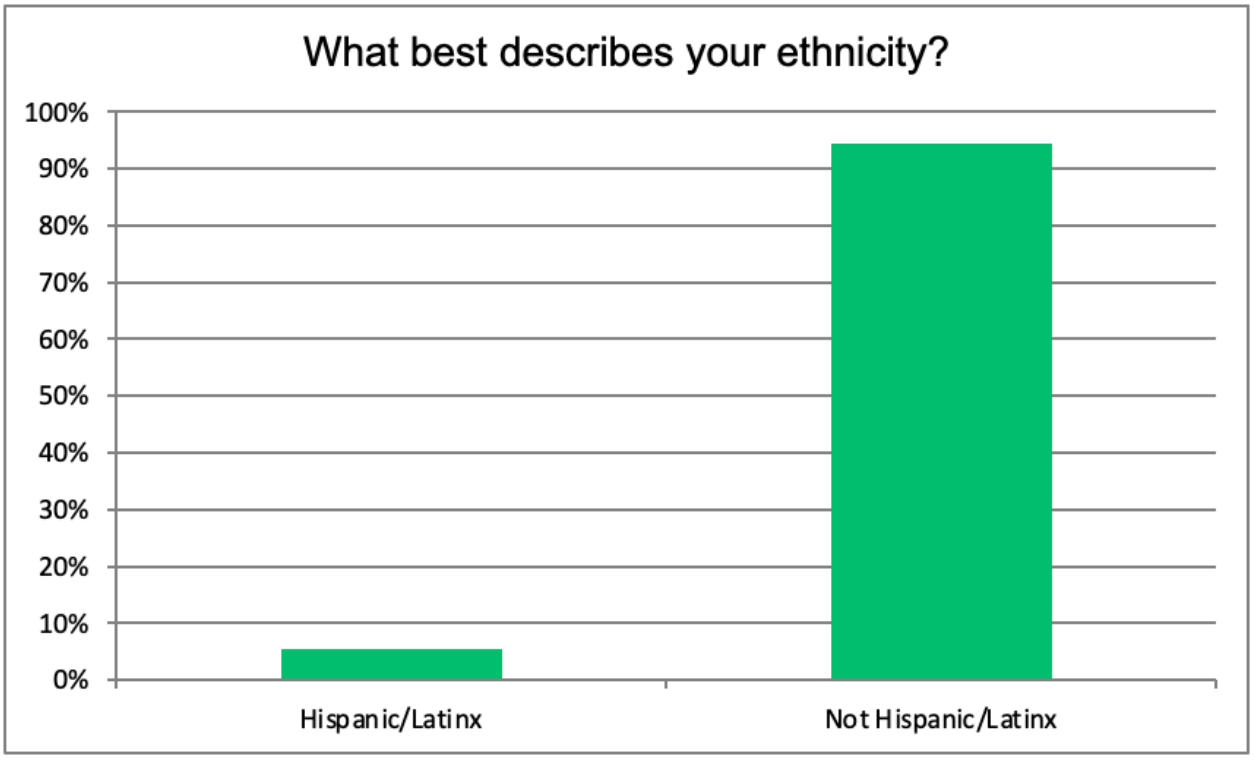
Question 5: What is your current age?



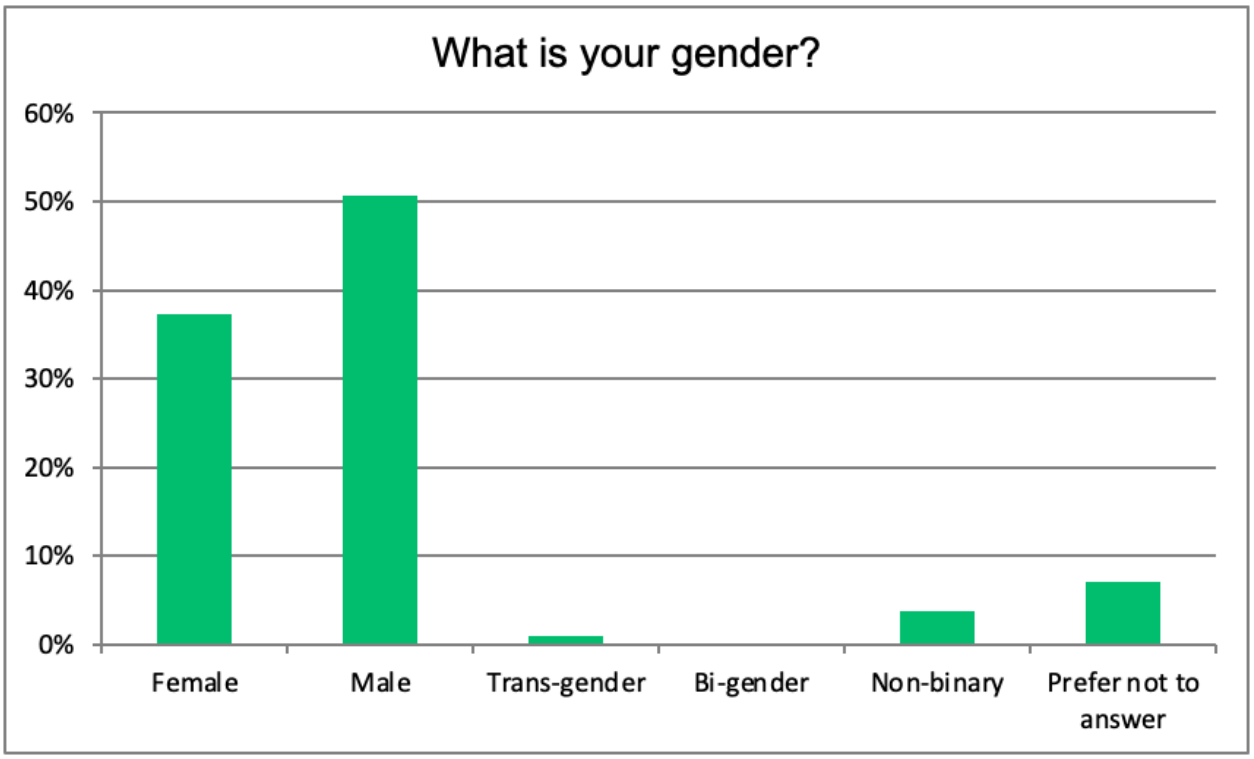
Question 6: Choose one or more racial identities (regardless of ethnicity).



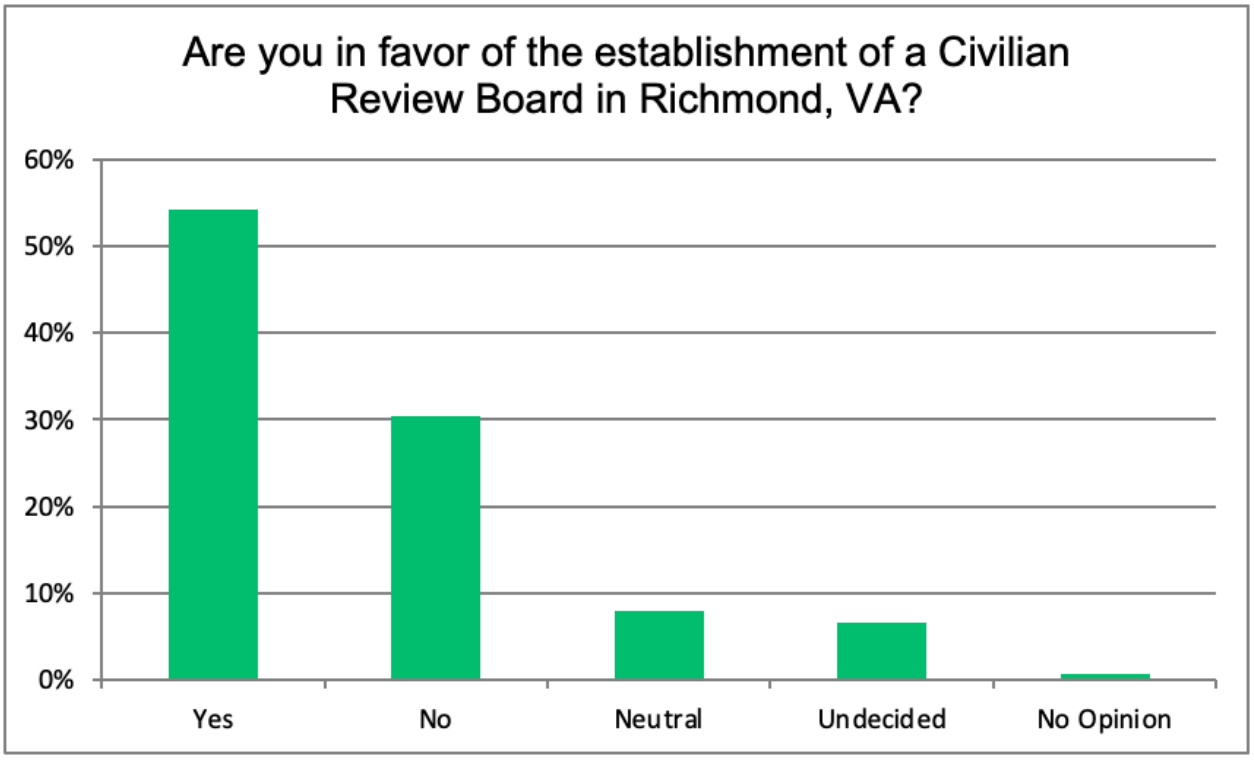
Question 7: What best describes your ethnicity?



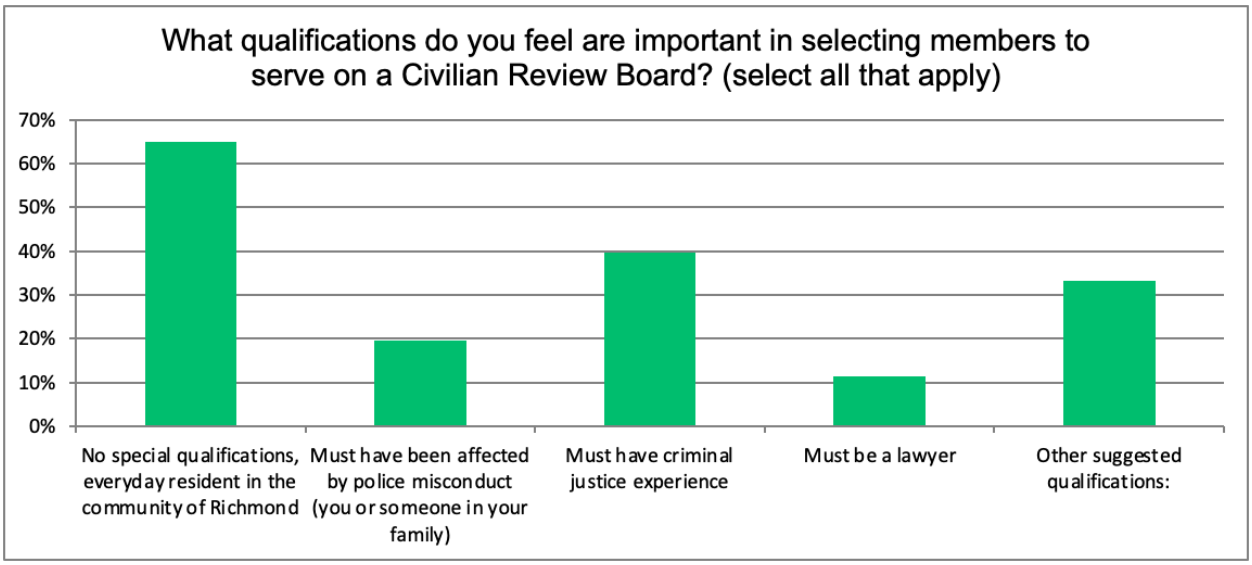
Question 8: What is your gender?



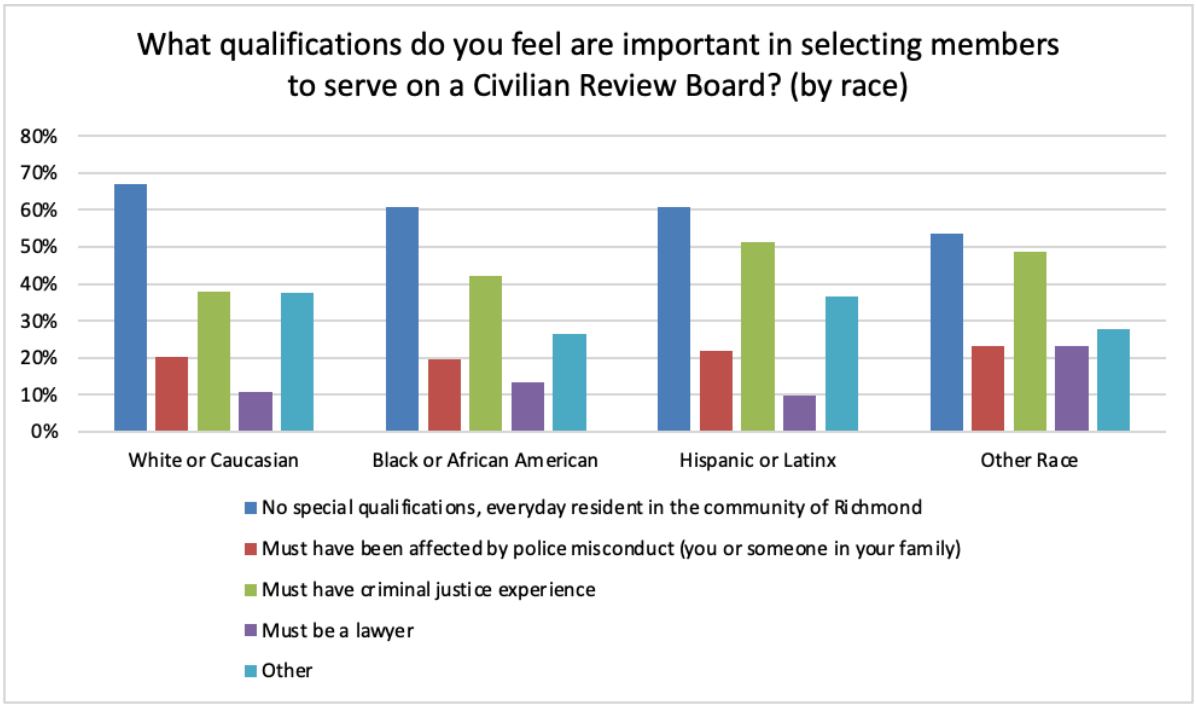
Question 9: Are you in favor of the establishment of a Civilian Review Board in Richmond, VA?

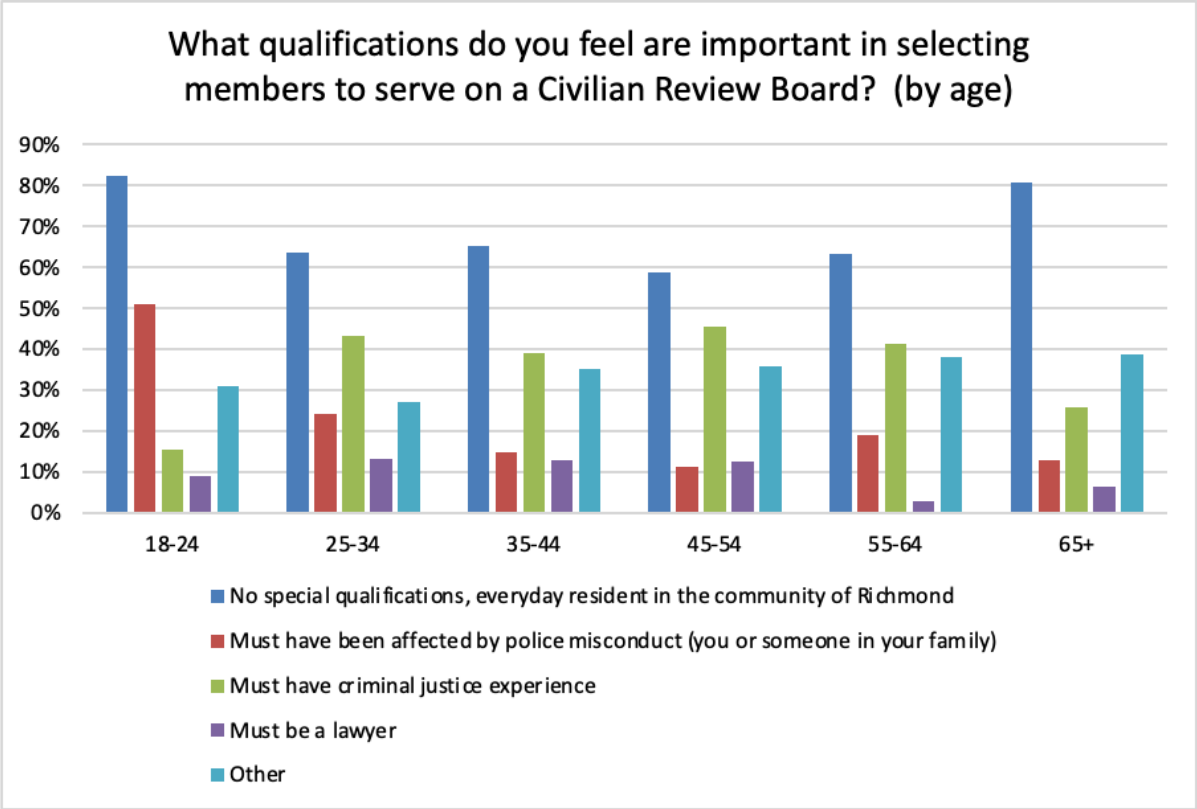


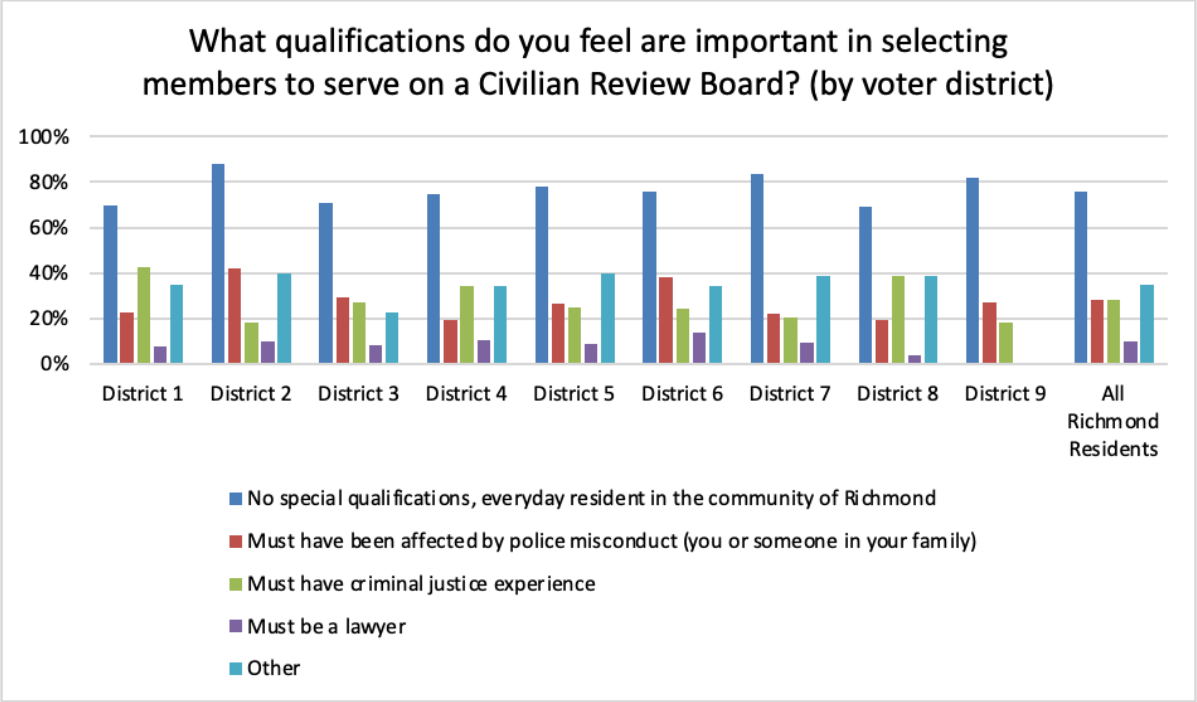
Question 10: How important do you think a civilian review board is to Richmond, VA?



Question 10 was also aggregated by race, age, and voter district:



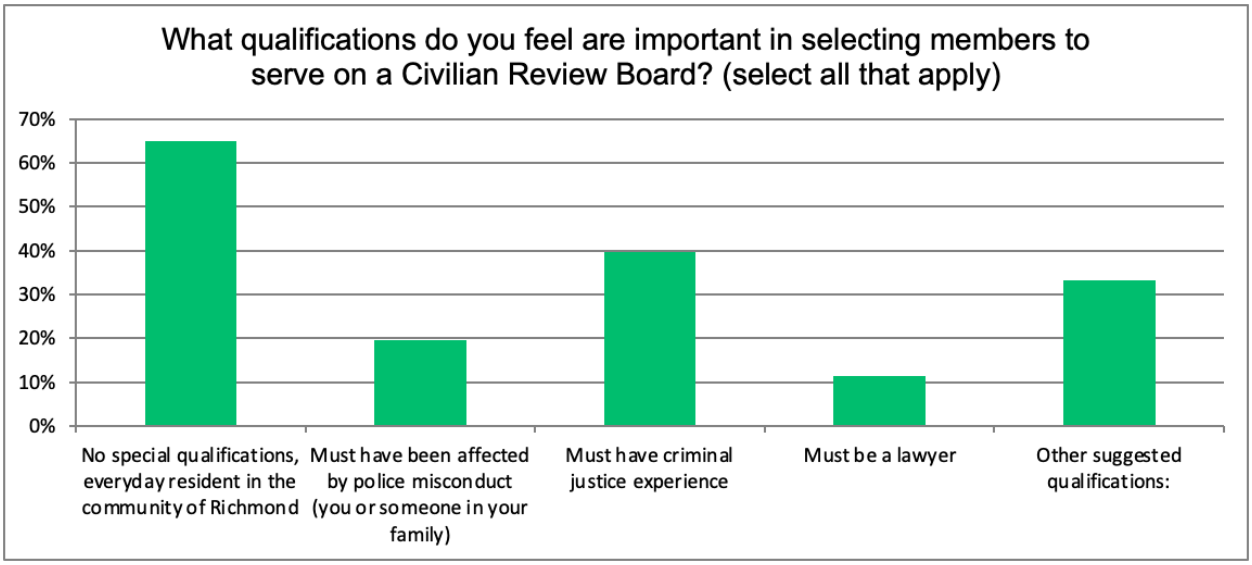




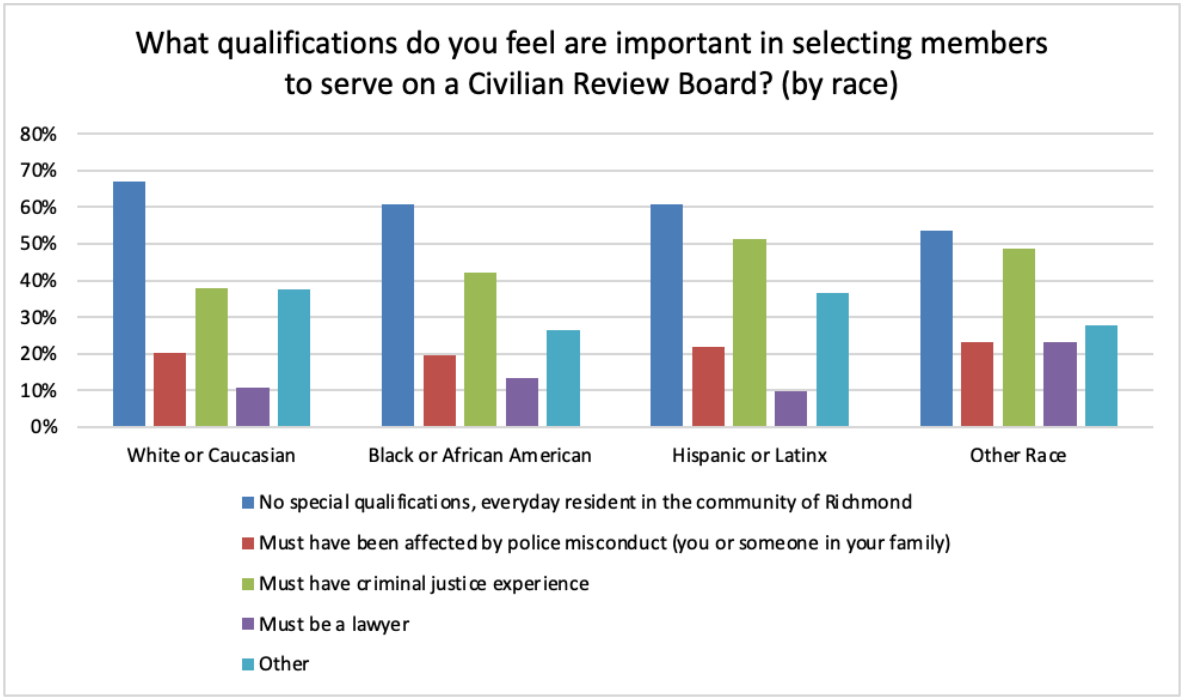
Question 11 (open ended): Please help us understand why you selected the answer choice above [question #10].

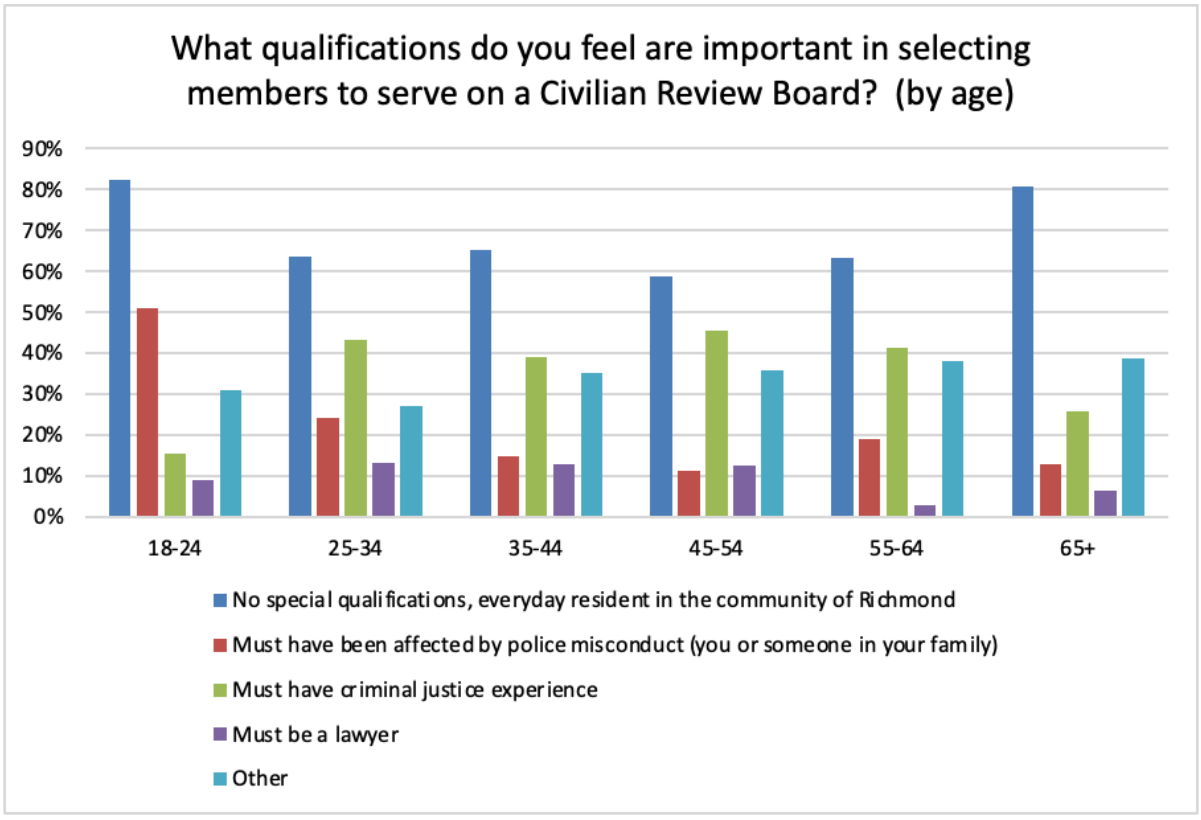
Question 12 (open ended): If Richmond were to have a Civilian Review Board, what characteristics do you think would be important in selecting its board members?

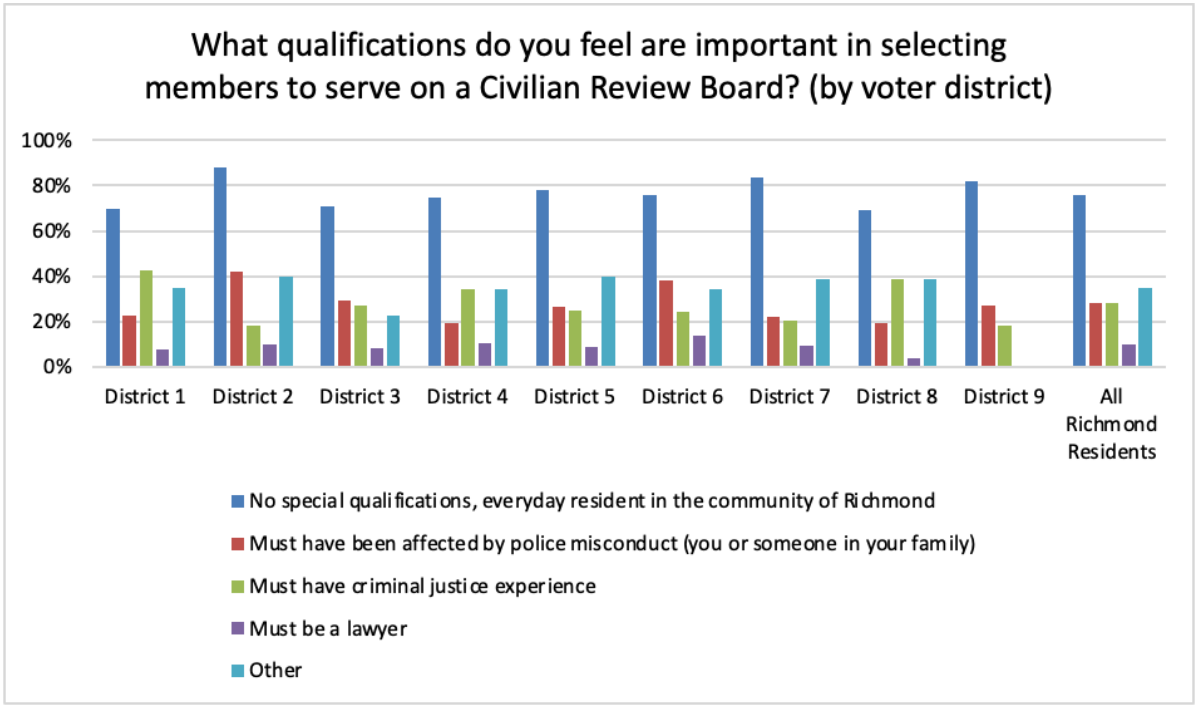
Question 13: What qualifications do you feel are important in selecting members to serve on a Civilian Review Board? (respondents could select up to 3 choices)



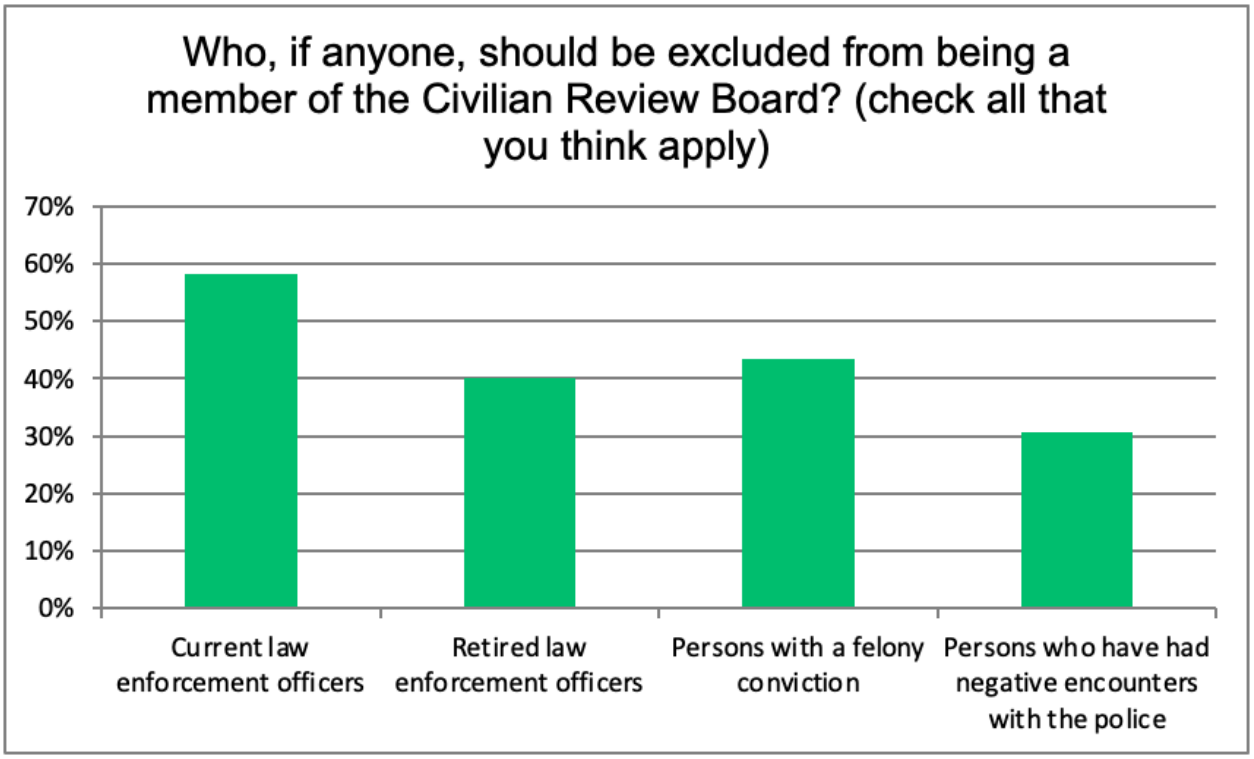
Question 13 was also aggregated by race, age, and voter district:



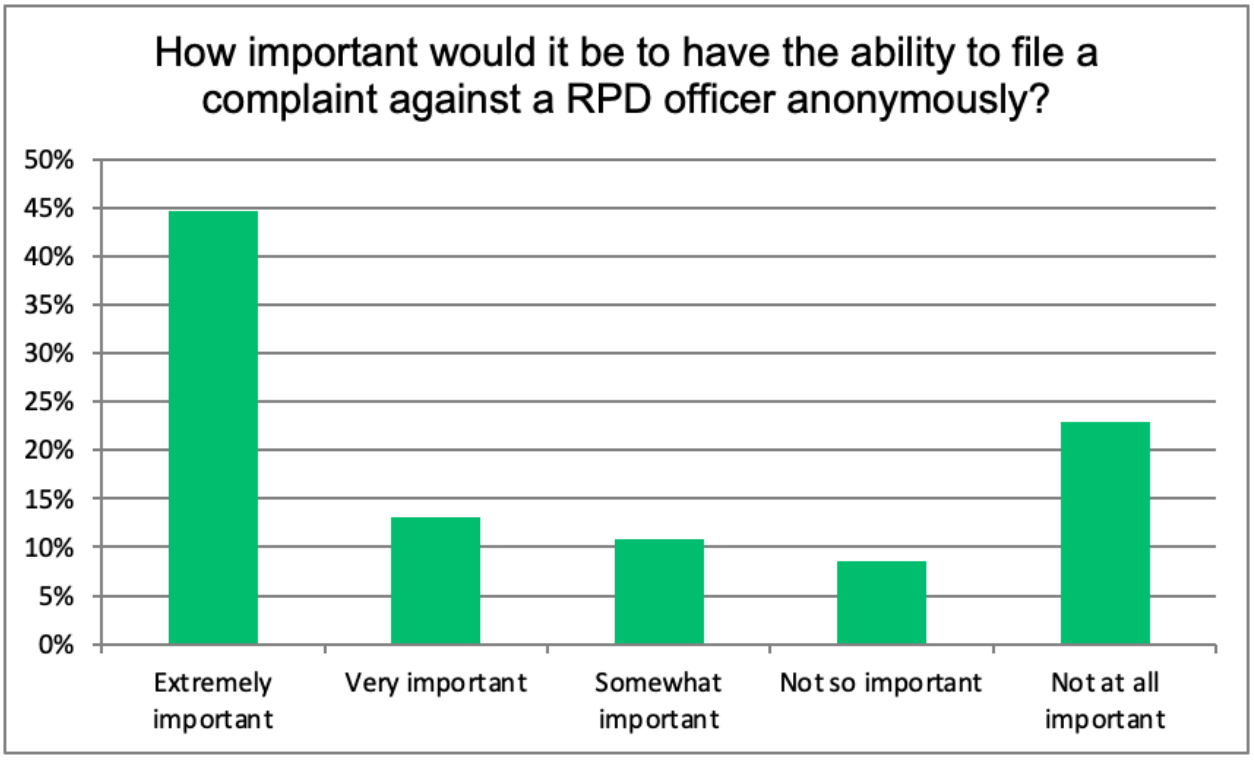




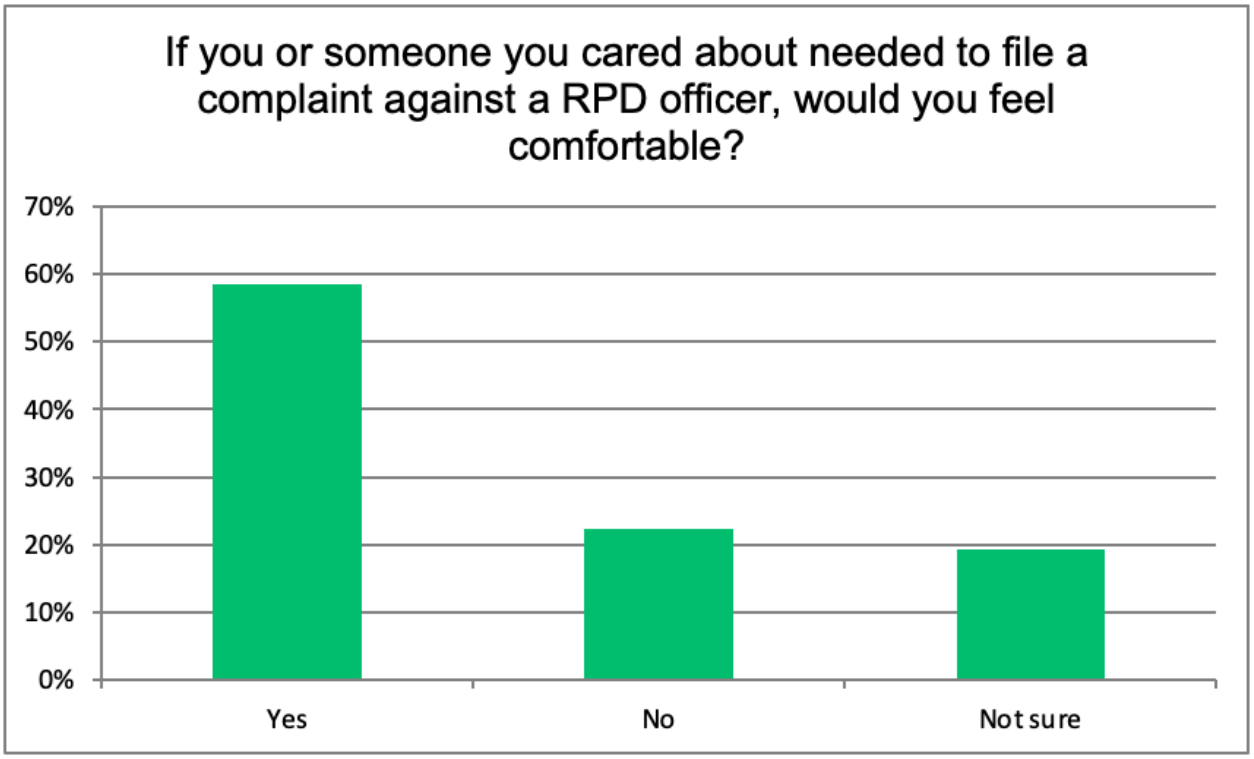
Question 14: Who, if anyone, should be excluded from being a member of the Civilian Review Board? (respondents could select up to 3 choices)



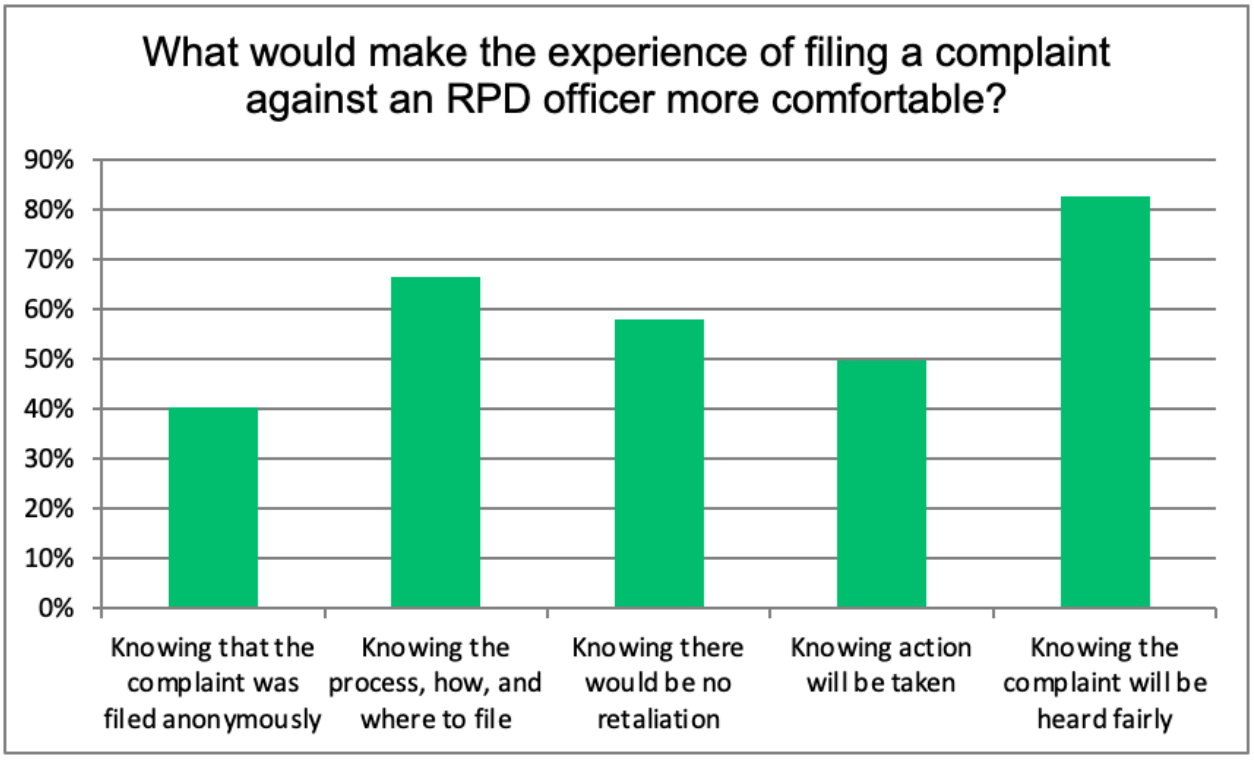
Question 15: How important would it be to have the ability to file a complaint against a RPD officer anonymously?



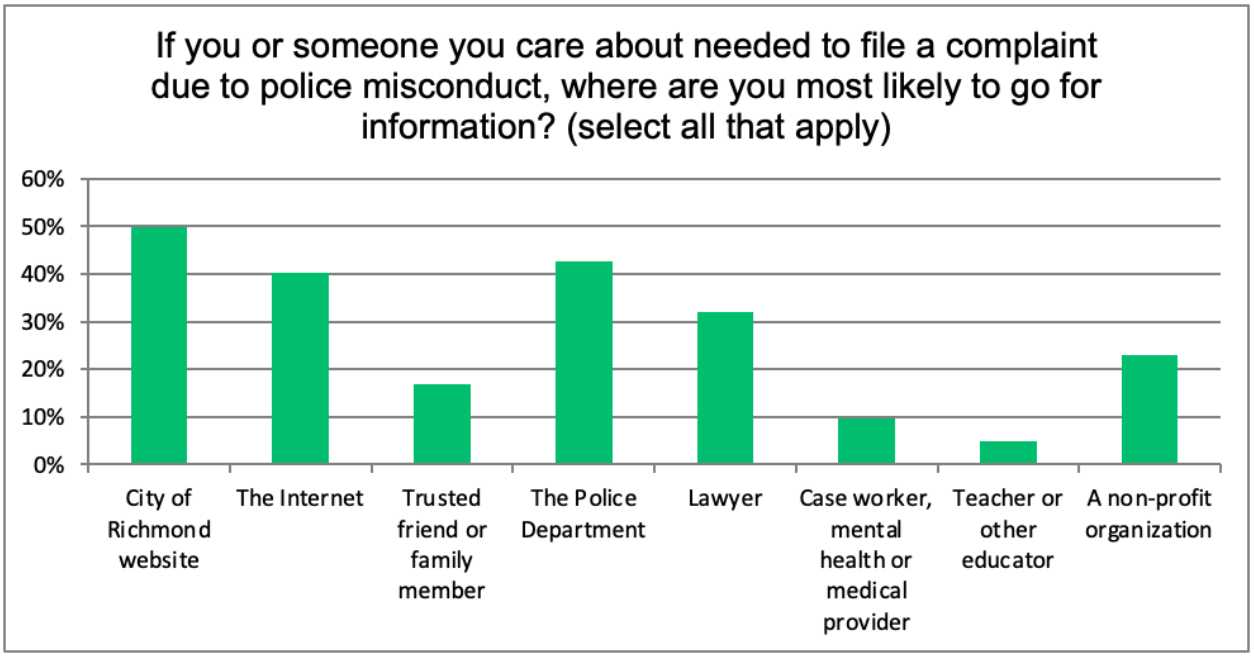
Question 16: If you or someone you cared about needed to file a complaint against a RPD officer, would you feel comfortable?



Question 17: What would make the experience of filing a complaint against an RPD officer more comfortable?

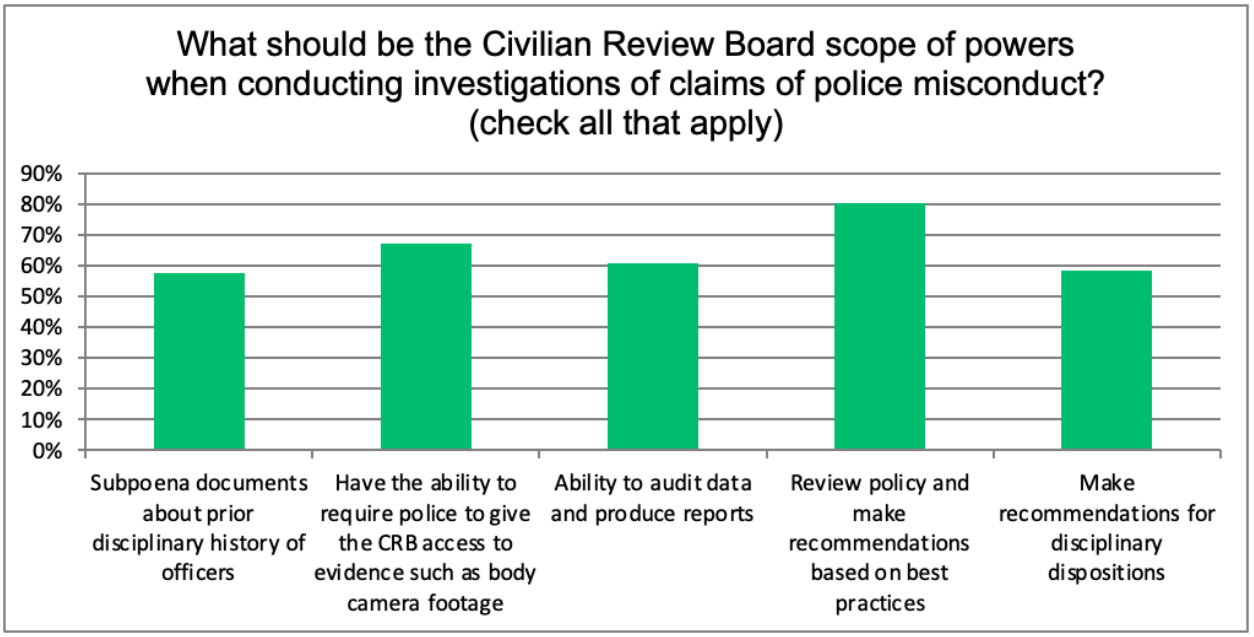


Question 18: If you or someone you care about needed to file a complaint due to police misconduct, where are you most likely to go for information? (respondents could select up to 3 choices)

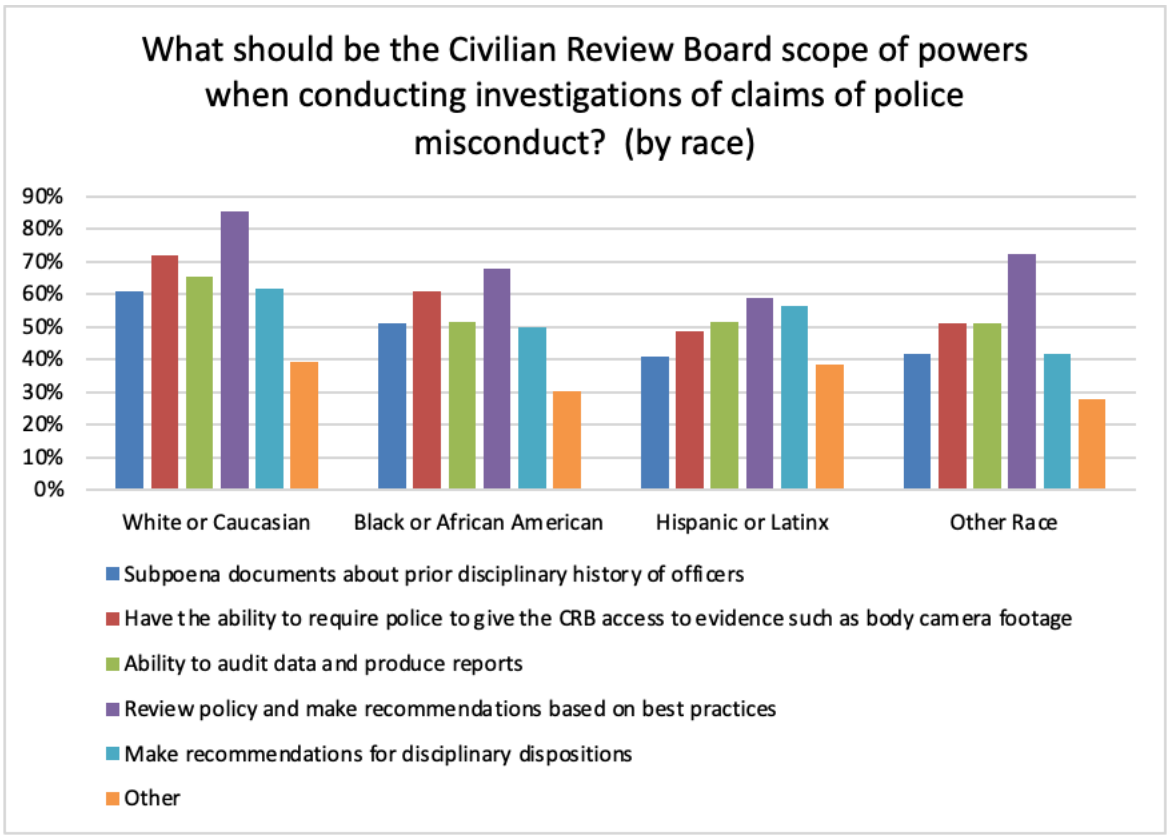


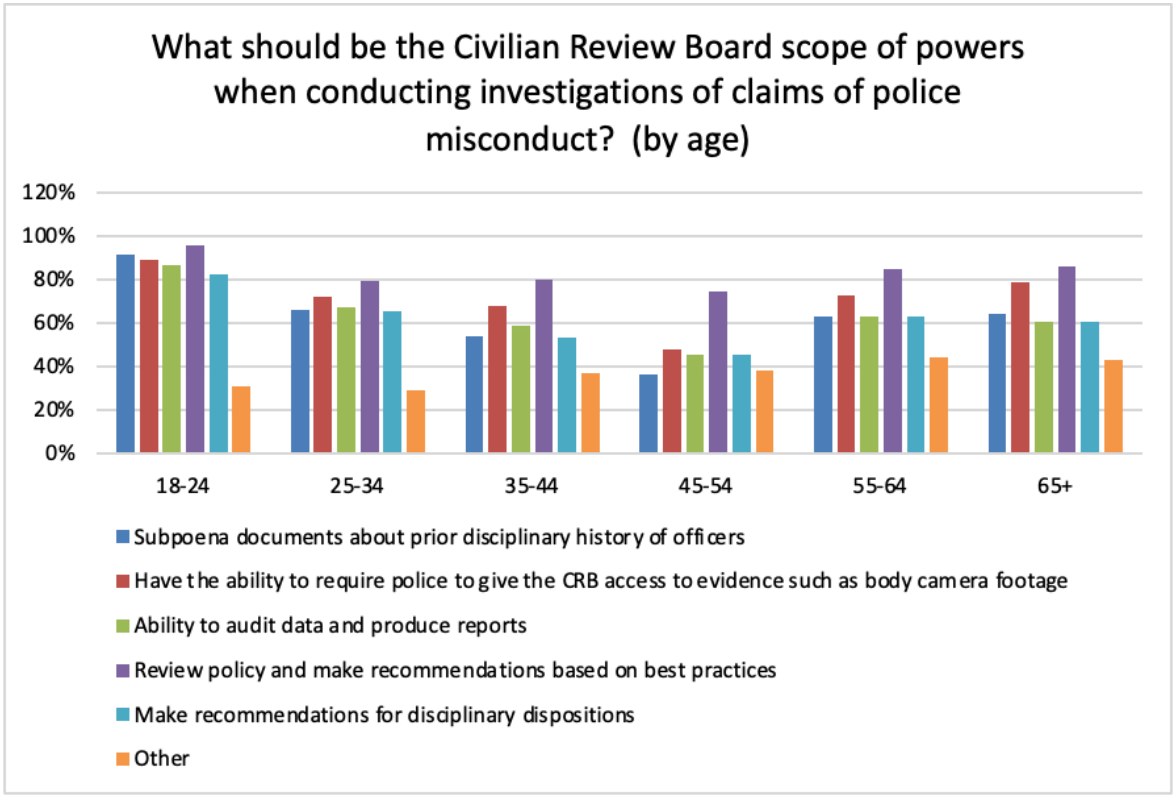
Question 19 (open ended): Residents in the community may want to see more information regarding critical incidents and complaints. What kind of information would give you confidence that Richmond's model of civilian review board oversight is working well?

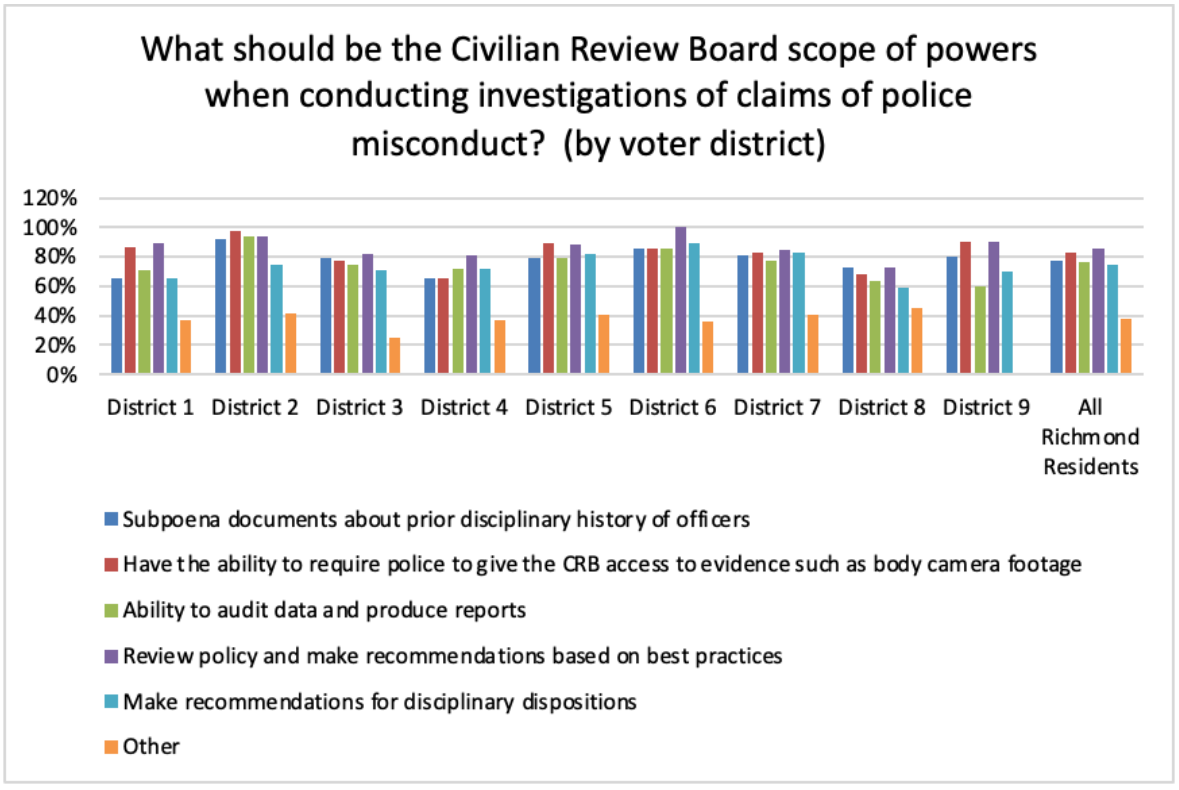
Question 20: What should be the Civilian Review Board scope of powers when conducting investigations of claims of police misconduct? (respondents could select up to 3 choices)



Question 20 was also aggregated by race, age, and voter district:




What should be the Civilian Review Board scope of powers when conducting investigations of claims of police misconduct? (by age)
120%
100%
80%
60%
40%
20%
0%
18-24
25-34
35-44
45-54
55-64
65+
Subpoena documents about prior disciplinary history of officers
Have the ability to require police to give the CRB access to evidence such as body camera footage
Ability to audit data and produce reports
Review policy and make recommendations based on best practices
Make recommendations for disciplinary dispositions
Other


What should be the Civilian Review Board scope of powers when conducting investigations of claims of police misconduct? (by voter district)
120%
100%
80%
60%
40%
20%
0%
District 1
District 2
District 3
District 4
District 5
District 6
District 7
District 8
District 9
All Richmond Residents
Subpoena documents about prior disciplinary history of officers
Have the ability to require police to give the CRB access to evidence such as body camera footage
Ability to audit data and produce reports
Review policy and make recommendations based on best practices
Make recommendations for disciplinary dispositions
Other

Question 21 (open ended): What else should we keep in mind in considering the creation of a Civilian Review Board?

Appendix II- Budget Estimate

Budget Estimate for Civilian Review Board in Richmond, VA

Recommendations and estimates produced by the Task Force to Establish Civilian Oversight

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Overview

Based on best practices from other jurisdictions, the Task Force identified several key positions that would establish a comprehensive office for Civil Oversight. The of the positions that follows in the table below will be outlined in greater detail in this document, as well as costs associated with each[12], sample position descriptions[3], and rationale for the Task Force's inclusion of each budget item and its allotment. Finally, a comparative analysis of this budget in relation to other jurisdictions is provided at the end of this estimate.

Given the timeline of the work of the Task Force, the time that will be required for City Council to vote on an ordinance establishing civilian oversight, and the time required to seat a review board and hire the required positions, we estimate that 6 months of funding will be necessary for FY 2022.

Item	Requested Budget
Executive Director (1 full time)	$150,000
Investigators (5 full time, 1 part time)	$526,400
Auditor (1 full time)	$124,000
Policy Analyst (1 full time)	$71,500
Outside Legal Counsel	$150,000
Mediation ($100/mediation with 40% of complaints mediated)	$4,600
Outreach and Support Staff (2 full time)	$160,000

[1] Based on either national averages,comparison to similar local positions, or comparable rates in other jurisdictions. Comparisons will be included for each position listed.
[2] Full time positions also include calculation of fringe benefits at 30%.
[3] From comparable positions in other jurisdictions.

Stipend for Board Members ($100/hearing for each member @9 members, meeting twice per month)	$21,600
Total* (6 month cost for FY 2022)	$1,208,100 ($604,050)

*Total represents approximately 1.25% of RPD budget

Executive Director (1 full time)

Cost: $150,000 ($115,000 plus fringe)
Salaries for Directors in the City of Richmond ranged from $80,333 to $145,000 for city departments[4] in 2019. Richmond does not have a directly comparable position. Charlottesville, VA allocated $150,000 toward an Executive Director position in FY 2021[5].

Position Description[6]: "The Executive Director of the Civilian Oversight Commission provides expert leadership, administration, and technical support to the Commission, including organizing, planning and coordinating all Commission-related directives, programs, projects, services, and activities. The Executive Director has particular responsibility to work with the Board, the Inspector General, County Counsel, the Chief Executive Office, and other members of the community in order to staff and provide effective administrative support to the Commission."

Rationale: An executive director is a critical position in overseeing an office for civilian oversight. Across jurisdictions, this is the most common full time staff member that supports the work of the commission.

Investigators (5 full time, 1 part time)

Cost: Cost per investigator estimated at $94,000 ($73,000 plus fringe)
There are no comparable positions in the City of Richmond for investigators with this particular area of expertise. National averages place the median salary of a criminal investigator at $70,000[7]. However, positions that are specifically comparable from other jurisdictions often begin significantly higher than this national average for independent police investigators, for example, Oakland, CA begins investigators "between $112,707.00/annually - $140,883.00/annually

[4] From Richmond, VA
https://data.richmondgov.com/Well-Managed-Government/City-of-Richmond-Employee-Salaries/mgkw-cnk3/data
[5] From Charlottseville, VA
https://www.charlottesville.gov/DocumentCenter/View/166/2021-Fiscal-Year-Proposed-Budget-PDF?bidId=
[6] From New Orleans, LA
http://file.lacounty.gov/SDSInter/dhr/245368_Executive_Director_Civilian_Oversight_Job_Announcement.pdf
[7] https://www.salary.com/research/salary/benchmark/criminal-investigator-salary

(commensurate with experience and education)[8]", while Seattle, WA offers $79,469.28 - $119,203.92 annually[9] .

Position Description[8]: "This position will be responsible for assisting the Office of the Independent Police Auditor in investigating complaints or allegations of police officer misconduct, including but not limited to officer-involved shootings and in-custody deaths, unnecessary or excessive use of force, racial profiling, sexual orientation bias, sexual harassment, the use of deadly force, and suspicious or wrongful deaths. The position will be responsible for ensuring that all investigations and associated recommendations are thorough, objective, fair, and completed in a timely manner that comports with all applicable regulations and statutes. The position will also provide support in the collection and preparation of data for reporting and will present investigative findings to the BART Police Citizen Review Board as necessary."

Rationale: Complaint data from annual reports from RPD and use of force reports from 2017-2020 was used to calculate the number of investigators needed. Data was not available on officer involved shooting from RPD's 2017 annual report, however this data was collected and reported by the Richmond Transparency and Accountability Project.

- 2017- 127 complaints (46 serious complaints) and 8 uses of firearms by officers
- 2018- 142 complaints (79 serious complaints) and 4 uses of firearm by officers
- 2019- 109 complaints (71 serious complaints) and 4 uses of firearms by officers
- 2020- 84 complaints (74 serious complains) and 2 uses of firearms by officers

For officer involved shootings, 5 cases per investigator is aligned with national figures, as these require substantial time and effort to investigate.. The average number of officer involved shootings in Richmond over the past four years is 4.5, this would result in a single full time investigator based on caseload. For other complaints, national averages assume 25 complaints per investigator. With a four year average of 115 complaints, there would need to be a minimum 4.6 full time for investigating all complaints against Richmond police officers. In total, to investigate all officer involved shootings and complaints, 5.6 investigators would be necessary.

Investigators are necessary to conduct investigations that are independent of the police department, and independence of the civilian oversight body is one of the key issues that the CRB Task Force was charged with addressing.

Auditor (1 full time)

Cost: Cost estimated at $124,000 ($95000 plus fringe)
Salaries for auditors in the City of Richmond range from $63,000 to $126,324 depending on the level of oversight of the position. As an independent police auditor, this position would have more

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[8] From Oakland, CA https://d3n8a8pro7vhmx.cloudfront.net/nacole/pages/24/attachments/original/1616622219/Job_Posting__8695_Independent_Police_Investigator.pdf?1616622219

[9] https://d3n8a8pro7vhmx.cloudfront.net/nacole/pages/24/attachments/original/1570210306/Civilian_Investigator_Job_Description_FINAL.pdf?1570210306

autonomy than auditor comparable auditor positions at the lower end of this range in the City of Richmond. Looking at the independent auditor position in Fairfax County, VA, the salary range was posted at $98,199 to $163,665 based on the knowledge and experience of the candidate[10].

Position Description[11]: "Performs professional level administrative and analytic work of considerable difficulty in a variety of assignments at the Office of the Independent Police Auditor (IPA) in support of this Office's mission to provide independent oversight of the citizen complaint process through objective review of police misconduct investigations. Provides analysis, implementation and evaluation of the citizen complaint process and administration; develops community outreach, education, and public relations programs, responds to community questions and concerns, and prepares reports and other documents for presentation to City leaders. May supervise office staff and/or lower level Analysts, Independent Police Auditor. Performs related duties as required.

This is the highest level in the Analyst, Independent Police Auditor series that involves the most difficult and complex assignments in police complaint data analysis and oversight, deals with the most sensitive issues, and interfaces with the higher levels of community and government officials. It differs from the Analyst II, Independent Police Auditor in that an incumbent of the latter class performs less complex assignments, may lead or supervise office staff rather than other professional staff, and has less responsibility for the most complex analytical issues and programs."

Rationale: An auditor functions to monitor patterns and trends in data related to policing. This may include access to sensitive information regarding complaints against police officers, use of force cases, and analysis of overall trends in policing and crime data in the city. Likewise, the auditor may make regular reports and presentations on this data to ensure transparency, accountability, and equity in policing in Richmond.

Policy Analyst (1 full time)

Cost: Cost estimated at $71,500 ($55,00 plus fringe)
Salaries for policy analysts in the City of Richmond range from $77,796 to $82,543. These are both under the Council Chief of Staff office. Due to the specialized nature of of council policy analysts, this figure is aligned with national averages for policy analysts[12].

Position Description[13]: "Responsible for auditing existing Austin Police Department policy and recommending new policy. Accountable for creating policy recommendations informed by

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[10] From Fairfax county, VA https://www.fairfaxcounty.gov/boardofsupervisors/sites/boardofsupervisors/files/assets/meeting%20materials/committees/2016/sept13-public-safety-police-auditor-job-draft.pdf
[11] From San Jose, CA https://www.sanjoseca.gov/Home/ShowDocument?id=35978
[12] https://www.payscale.com/research/US/Job=Public_Policy_Analyst/Salary
[13] From Austin, TX https://www.austintexas.gov/sites/default/files/files/Police_Monitor/OPM_Working_Group_FNLReport_FINAL_WEB.pdf

professional oversight evidence-based best practices to provide equitable civilian oversight of the Austin Police Department."

Rationale: A policy analyst is necessary for reviewing police policies and procedures, recommending changes to policy based on issues raised by CRB members, community members, or based on patterns and trends in data identified by the auditor. Such recommendations are essential to larger scale changes to the police department that ensure that all Richmonders concerns about police policies and procedures are addressed.

Outside Legal Counsel

Cost: Cost estimated at $150,000 based on number of complaints received/investigated

Position Description[14]: "This includes legal counsel's attendance at all open, closed, and committee meetings… This would include a significant role in drafting the Commission's necessary administrative documentation, including formal bylaws, operating procedures, and policies. In addition, it is reasonable to assume the Commission's new investigative staff may require, at least initially, a greater reliance on legal counsel during their investigations which may not be required to the same degree as experience is gained over the course of the Commission's first few years."

Rationale: Due to the sensitive nature of the work of a CRB, there is often the need for those bodies to access independent legal advice. The nature of the work can create conflicts of interest if the city's legal office is used.

Mediation

Cost: Cost per mediation estimated at $100, with 40% of complaints mediated

Position Description[15]: "All mediation sessions are facilitated by an independent, unbiased third party mediator. The mediator guides the complainant and the subject officer through a conversation about the incident that led to the complaint with the goal of reaching a common understanding between the parties. Mediations are scheduled for one two-hour session."

Rationale: Mediation is a cost-effective solution to addressing complaints against officers that results in positive outcomes for both community members and the officers involved in the mediation process. Data from other jurisdictions that offer mediation services have roughly 40% of complaints resolved through mediation. Mediation also typically results in more satisfactory results to both the complainant and the officer involved, with nearly 85% satisfaction rates among community members and nearly 95% satisfaction rates among officers.

Outreach and Support Staff (2 full time)

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[14] From San Diego, CA https://www.sandiego.gov/sites/default/files/19_20_analysis_of_potential_budgetary_needs_for_new_commission_on_police_practices_complete_rpt_0.pdf

[15] From Washington, DC https://policecomplaints.dc.gov/service/mediation-service

Cost: Cost per staff member estimated at $80,000 ($61,500 plus fringe)
Salaries for executive assistants in the City of Richmond range from $35,091 to $71,000. The estimate is aligned with the scope of duties of these staff members.

Position Description[13]: "Operates under limited supervision, using independent discretion and judgment to provide administrative and staff support." Additionally, " Responsible for public relations and social media management. Accountable for creating, publishing and presenting reports, infographics, press releases and notable items in order to support equitable civilian oversight of the Austin Police Department."

Rationale: As a new program, substantial work will be needed to make the public aware of the newly formed civilian oversight body. These positions are also necessary for the administrative record keeping duties of such a body.

Stipend for board members

Cost: Cost estimated at $100/hearing for each member, with 9 members, meeting twice per month
Many other jurisdictions offer stipends to community members who volunteer to serve on civilian oversight bodies. $100 is a nominal amount to recognize the time and effort of serving on such a body.

Position Description[16]:

- "To encourage members of the community to file complaints when they feel they have been victims of police misconduct
- To encourage all parties involved in a complaint to come forward and present evidence
- To investigate each allegation thoroughly and impartially
- To make objective determinations on the merits of each case
- To recommend disciplinary actions that are fair and appropriate, if, and when, the investigative findings show that misconduct occurred
- To respect the rights of the civilians and officers
- To engage in community outreach to educate the public about the agency and to respond to concerns relevant to the agency's mandate
- To report relevant issues and policy matters to the police commissioner
- To offer civilians and officers the opportunity to mediate their complaints in order to promote understanding between officers and the communities they serve"

Rationale: Stipends for board members are reflective of the work being conducted by community members on behalf of the city. These stipends also help ensure that access to participation on the civilian oversight body is equitable. Offering stipends ensures that individuals with lower incomes are being paid for their services, that people with children can pay for child care as they are conducting the work of the board, and can generally help offset the costs of participation in an important and time consuming task.

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[16] From New York, NY https://www1.nyc.gov/site/ccrb/about/about.page

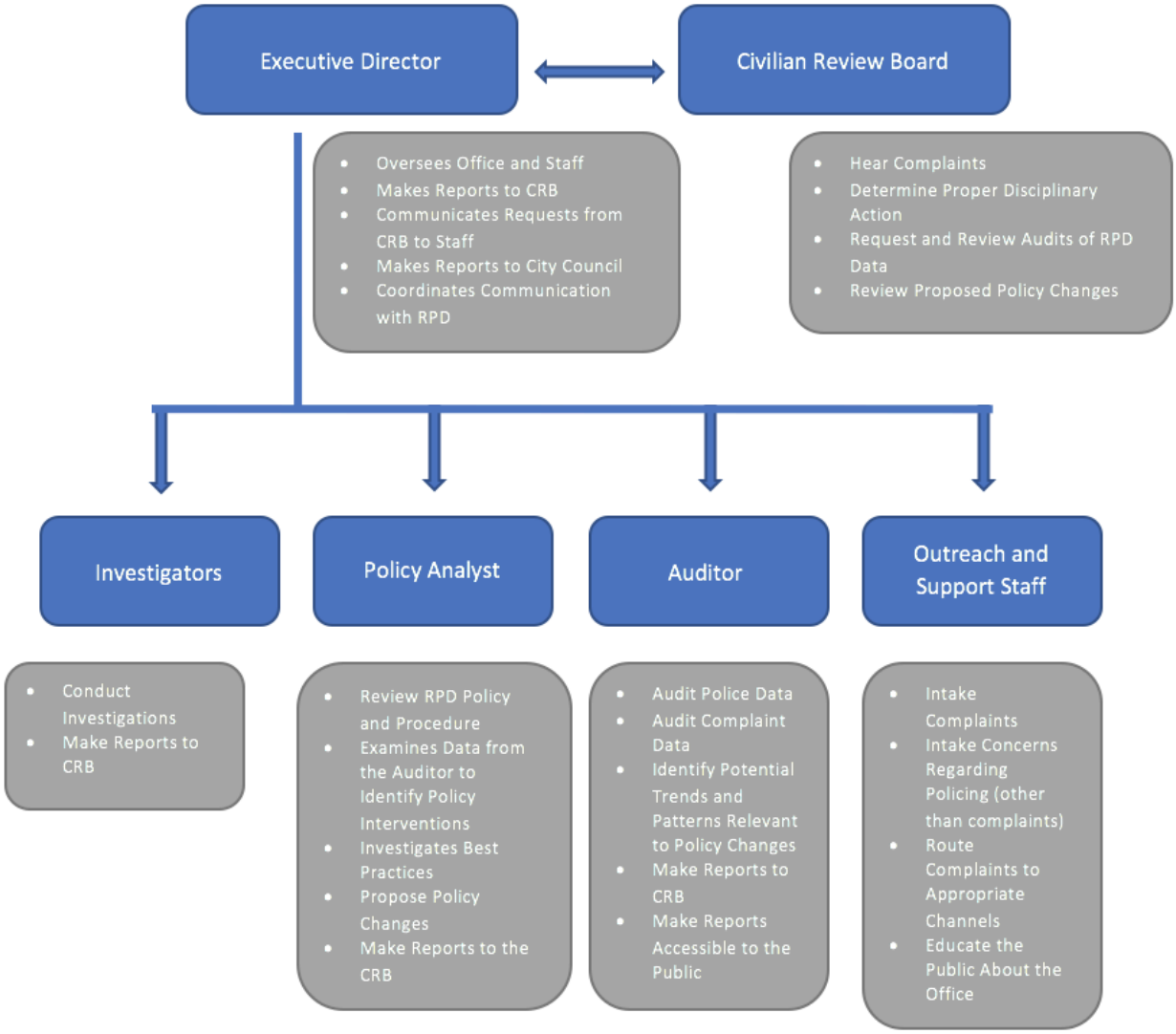
Comparative Analysis of Other Jurisdictions

In establishing a budget, the task force was careful to consider best practices in terms of funding, but also how the funding request compares to other jurisdictions. There are several key elements that are used to determine budget allocations for civilian oversight models. For example, the National Association for Civilian Oversight of Law Enforcement suggests 1% of the police department budget as a standard amount, but recognizes that amount will vary due to community needs. In practice civilian oversight bodies range from having anywhere from no funding to up to 5% of the annual police budget, though there are large variations in effectiveness based on funding. Below are comparisons to other oversight agencies. It is important to consider that the number of sworn officers is often an important budgetary consideration, as larger agencies often have a greater need for oversight mechanisms.

City	Civilian Oversight Budget	Percent of Annual Police Budget	Number of Sworn Officers
Portland, OR	11.5 million	5%	792
Oakland, CA	4.3 million	1.5%	986
Richmond, VA (proposed)	1.2 million (600k for FY2022)	1.25%	750
Charlottesville, VA	%150,000	0.8%	126

<u>Appendix III</u>- Organizational Chart with Roles

This chart suggests the roles and relationships of the staff and civilian review board. While the primary function of the civilian review board is to hear complaints and determine proper disciplinary action, the civilian review board should also be involved in other oversight functions, for example, having the ability to request and weigh in on audits of police data, requesting and reviewing policy changes that are proposed by the office of Community Oversight and Police Accountability. Thus, the relationships between the civilian review board, the executive director, and other office staff should be collaborative and aimed at ensuring that community members serving on the board have a voice in police oversight and decision making at multiple levels.



<u>Appendix IV</u>- Budget Phase-in

Budget Phase-in Plan for Civilian Review Board in Richmond, VA

Recommendations and estimates produced by the Task Force to Establish Civilian Oversight

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Overview

Given the timeline of the work of the Task Force, the time that will be required for City Council to vote on an ordinance establishing civilian oversight, and the time required to seat a review board and hire the required positions, we estimate that the CRB will operate from March forward in FY

2022. $200,000 was allotted for the CRB in FY 2022. This will not allow for full staffing of that office in FY 2022. The recommendations below do not initially include an auditor or policy analyst, though these are both important components of the proposed civilian oversight body. The phase in plan allows the CRB to perform its most basic duties.

Item (Immediate needs in parentheses)	Requested Annual Budget	Costs March 1, 2022-June 30, 2022
Executive Director (1 full time)	$150,000	$50,000
Investigators (2 full time)	$526,400	$62,000
Auditor (1 full time)	$124,000	-
Policy Analyst (1 full time)	$71,500	-
Outside Legal Counsel	$150,000	$50,000
Mediation ($100/mediation with 40% of complaints mediated)	$4,600	$1,500
Outreach and Support Staff (1 full time)	$160,000	$26,000
Stipend for Board Members ($100/hearing for each member @9 members, meeting twice per month)	$21,600	$7,200
Total*	$1,208,100	$196,700**

*Total represents approximately 1.25% of RPD budget

**Remainder of FY 2022 funds to be used on supplies, etc.

Executive Director (1 full time)

Cost: $150,000 ($115,000 plus fringe)

Rationale: An executive director is a critical position in overseeing an office for civilian oversight. Across jurisdictions, this is the most common full time staff member that supports the work of an oversight body.

Investigators (2 full time)

Cost: Cost per investigator estimated at $94,000 ($73,000 plus fringe)

Rationale: Investigators are necessary to conduct investigations that are independent of the police department, and independence of the civilian oversight body is one of the key issues that the CRB Task Force was charged with addressing. Though 5+ full time investigators will eventually be needed, a minimum of two investigators will be needed given the typical number of complaints currently reported.

Outside Legal Counsel

Cost: Cost estimated at $150,000 based on number of complaints received/investigated

Rationale: Due to the sensitive nature of the work of a CRB, there is often the need for those bodies to access independent legal advice. The nature of the work can create conflicts of interest if the city's legal office is used.

Mediation

Cost: Cost per mediation estimated at $100, with 40% of complaints mediated
Rationale: Mediation is a cost-effective solution to addressing complaints against officers that results in positive outcomes for both community members and the officers involved in the mediation process. Data from other jurisdictions that offer mediation services have roughly 40% of complaints resolved through mediation. Mediation also typically results in more satisfactory results to both the complainant and the officer involved, with nearly 85% satisfaction rates among community members and nearly 95% satisfaction rates among officers.

Outreach and Support Staff (1 full time)

Cost: Cost per staff member estimated at $80,000 ($61,500 plus fringe)
Rationale: As a new program, substantial work will be needed to make the public aware of the newly formed civilian oversight body. These positions are also necessary for the administrative record keeping duties of such a body.

Stipend for board members

Cost: Cost estimated at $100/hearing for each member, with 9 members, meeting twice per month Many other jurisdictions offer stipends to community members who volunteer to serve on civilian oversight bodies. $100 is a nominal amount to recognize the time and effort of serving on such a body.
Rationale: Stipends for board members are reflective of the work being conducted by community members on behalf of the city. These stipends also help ensure that access to participation on the civilian oversight body is equitable. Offering stipends ensures that individuals with lower incomes are being paid for their services, that people with children can pay for child care as they are conducting the work of the board, and can generally help offset the costs of participation in an important and time consuming task.